

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, January 6, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

January 6, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by the City Clerk, Rita M. Bauman.

Present: Councilmen Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: Councilman Blair—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Alfreda Schmidt.

Pledge of Allegiance was led by Adam Harrison, son of Judge Michael Harrison.

Judge Michael Harrison gave the Oath of Office to the newly elected Officials of the City of Lansing.

Mayor Terry J. McKane

City Clerk Rita Bauman

Councilmembers Lucile Belen, Alfreda Schmidt and Charles Creamer.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

By COUNCILMEMBER ADADO—

That the Resolutions # and #2 be considered at this time.

Carried.

By COMMITTEE OF THE WHOLE—

RESOLUTION #001

Resolved by the City Council of the City of Lansing:

That Councilmember Antonio "Tony" Benavides is hereby elected to serve as President of the Lansing City Council for calendar year 1986.

Adopted by the following vote:

Unanimously.

Councilmember Benavides assumed charge of the meeting.

By COMMITTEE OF THE WHOLE—

RESOLUTION #002

Resolved by the City Council of the City of Lansing:

That Councilmember Alfreda Schmidt is hereby elected to serve as Vice President of the Lansing City Council for calendar year 1986.

Adopted by the following vote:

Unanimously.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

January 6, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-29—85—Vacant land West of 5522 S. Cedar St. to be rezoned from "A" Residential to "J" Parking District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

January 6, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-28-85—6841 S. Cedar Street to be rezoned from "F" Commercial and "J" Parking Districts to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

PUBLIC HEARING

January 6, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance amendment to add a new Chapter 17C for the purpose of prohibiting discrimination in Real Estate Transaction involving Housing Accommodations on the basis of Race, Color, Sex, Marital Status, Age, National Origin, Religion, Ancestry, Political Orientation, Sexual Preference, Handicap or Source of Income in the City of Lansing.

The Council President announced that if there was anyone present who has any suggestions or objections to make to the proposed Ordinance amendment they had the privilege of speaking at this time.

Speakers were:

Mary Held, 133 S. Fairview
Mildred E. Kallman, 205 W. Saginaw St., representing Concerned Women for America.
Jim Williams, 4021 Sheffield
Earl Driscoll, 2718 Geert Court
Judy Harrison, 623 W. Mt. Hope, representing Lansing Welfare Rights Assoc.
Robert Lundy, 2304 Marion, representing Michigan Assoc. Human Rights.
Sue Eby, 130 Island
Carl Harmon, Michigan Landlords Assoc.
Jim Dragasic, Michigan Landlords Assoc.
Susan Christian, 312 S. Clemens, Lansing Housing Coalition
Barbara Moon, 228 Richard
Wes Pitts, Representing Greater Lansing Fair Housing Center
Fr. Richard Preston, 621 N. Pennsylvania
Mark Peck, 2741 S. Deerfield, spoke and presented reports from San Francisco Public health
Russell Clousing, 927 S. Washington Ave.
Greg Hoffman, 204 N. Fairview
Ted Kallman, 5907 Haag Rd.
Rose Dent, 412 N. Fairview, representing Tenants Resource Center
David Kallman, 205 W. Saginaw
Shirley Young, 707 E. Mt. Hope
Fawaz F. Fawaz, 3215 Cambridge Rd.
Steve Owen, 1716 Clifton

Twelve spoke against the Ordinance and ten spoke for the Ordinance.

Communications received from the Greater Lansing Fair Housing Center; Concerned Women for America; and booklet submitted entitled "The Tragedy of San Francisco."

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING

ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Driver—Floyd J. Rhynard, Ronal Langston, Suzanne M. DeBie

Beer and wine carry-out stores—Daher's, 800 Baker St. and Farah Sons & Mart, 4209 N. Grand River.

Referred to the Committee on General Services.

Letters of complaint filed by:

a. Vi Brown in regard to the Smoking Regulations Ordinance.

b. Marvin C. Brunner, East Lansing, MI, regarding the Smoking Regulations Ordinance.

Referred to the Committee on General Services.

c. Larry Parr in regard to dogs running loose in city.

Referred to the Mayor and Committee on General Services.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

No comment.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Driver—Floyd J. Rhynard, Ronal Langston, Suzanne M. DeBie

Beer and Wine—800 Baker Street carry-out store, Farah Sons & Mart, 4209 N. Grand River.

Signed:

SIDNEY WORTHINGTON
ALFREDA SCHMIDT
CHARLES CREAMER
Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Councilmember Worthington left the meeting.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

Councilman Worthington returned to the meeting.

January 2, 1986

Council President and
Members of Lansing City Council

RE: Claim of Marlene Scott in the amount of
\$113.65

Dear Council President and
Members of Lansing City Council:

On October 31, 1985, Marlene Scott, 4316 Christianson Road, Lansing, Michigan, filed a claim in the amount of \$113.65 for damage to her lawnmower. Claimant stated, in the claim form filed with the City Clerk, that on October 27, 1985, while mowing the lawn, she ran over a bracket which had belonged on play equipment from an adjacent city park. Mrs. Scott states in her claim that as a result of this collision, the shaft of her lawnmower was bent, and the blade was ruined.

The Department of Parks and Recreation investigated this claim and reported that recently new playground equipment was installed in a number of parks, including Pleasant View Park located on Christianson Road. The equipment was routinely inspected for safety in the middle of the summer. Upon receipt of the claim from Ms. Scott, the equipment was again inspected. It was discovered that vandals had loosened and taken off a number of nuts, bolts and brackets. These were apparently taken or thrown into the yard of the claimant by the vandals. According to the Parks and Recreation Department, immediately upon investigation, required repairs were made to the play equipment. No vandalism was reported to or detected by the City prior to the incident at Pleasant View Park.

Based on the above, there is no evidence to support a claim of negligence against the City of Lansing. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendaton of the City Attorney and this Claim be denied.

Adopted by the following vote:

Yeas—Councilman Belen, Benavides, Creamer, Lindemann, Schmidt, Worthington—6.

Nays—Councilman Adado—1.

January 2, 1986

Council President and
Members of Lansing City Council

RE: Claim of Marsha & William Mocherman

Dear Council President and
Members of Lansing City Council:

On November 13, 1985, Marsha and William Mocherman, 423 E. Howe Avenue, Lansing, filed a claim with the City Clerk for reimbursement of a towing charge. Claimants did not specify the amount of the claim.

Claimants state on a City claim form that their pickup truck ran out of fuel in a parking lot located at 303 W. Kalamazoo on November 12, 1985. The Mochermans left a written note on the windshield of the truck that the vehicle would be moved as soon as the Mochermans returned with more fuel. The claimants state further, "It (the truck) was towed while we were in a meeting with the Friend of the Court." A statement obtained by the Mochermans from the Friend of the Court indicates that the claimants were in a conference on the day in question from 10:45 a.m. until approximately 12:15 p.m.

This claim was investigated by the Lansing Police Department which found that the vehicle was towed by request of that department because it was blocking a driveway. The claimants were also ticketed for this incident.

The Michigan Motor Vehicle Code, MCLA 257.233 et seq., authorizes cities to regulate the standing or parking of vehicles. Lansing City Ordinances prohibit the blocking of a driveway as in this case and authorizes the impoundment of the offending vehicle by the Police Department.

As the vehicle involved was blocking the driveway, it is the recommendation of this office that the claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

January 2, 1986

President Charles Creamer and
Members of the Lansing City Council

Re: Claim of D. Craig Sleep in the amount of
\$100.00

Dear President Creamer and
Members of the Lansing City Council:

On June 14, 1985 D. Craig Sleep submitted a claim for reimbursement of his insurance deductible in the amount of \$100.00 for damage to his 1981 Oldsmobile. Claimant alleged that on Friday afternoon, May 31, 1985 a tree near the curb blew over and damaged his car's windshield. Claimant stated that it was a very windy afternoon but believes that the tree must have been very unhealthy because the leaves were pale green and no other trees on that street blew over. In addition, Claimant stated that this particular tree was reported to the Forestry Department about two years ago as being loose in the ground by his mother. At this time, his mother was told that there was nothing the Forestry Department could do about the tree and that if she wanted to she could fertilize the tree.

A report by the Forestry Division of the Parks and Recreation Department indicates that the tree and the damage to the Claimant's vehicle was inspected on the afternoon of May 31, 1985 after a call was received from the Claimant. The inspection revealed that a five

inch Sugar Maple located in the parkway in front of the residence at 4818 Allison Drive had blown down and was lying across the windshield of Claimant's vehicle. The windshield was broken and the hood dented slightly. The failure of the tree occurred at place on the trunk which had a dead spot on the west side probably caused by a condition called sunscald. The tree was foliated moderately and the leaves were yellow because of manganese deficiency. The tree had not been removed because prior inspections resulted in the finding by trained personnel that despite the sunscald, the tree could withstand normal wind conditions of up to 50 miles per hour. Additionally, the tree trunk was not loose in the ground and even if it had been, that would not have covered the breakage of the trunk.

Based upon the above information the tree did have a dead spot in the trunk on the west side. The dead spot was visible upon inspection. The tree trunk broke at the dead spot on the trunk albeit that it was under conditions of a 69 mile per hour wind. Apparently, Claimant's mother fertilized the tree upon recommendation of the Forestry Department. The fertilizing of the tree did not repair the dead spot at which the tree ultimately failed. Apparently, a decision was made by the Forestry Department that the tree was not hazardous. Apparently, the tree was hazardous under the extremely windy conditions of this particular day.

Therefore, it is the recommendation of this office that this claim be granted.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$100.00 payable to D. Craig Sleep.

Carried.

January 2, 1986

Council President and
Members of Lansing City Council

RE: Claim of Thomas M. Champras in the amount of \$495.43

Dear Council President and
Members of Lansing City Council

On November 4, 1985 claimant filed a claim in the amount of \$495.43 for damage to claimant's property due to heavy equipment operation at the Exhibition Hall site. Claimant states that his wall was damaged because the heavy equipment utilized by the contractor retained by the City caused vibrations and shaking of his building's walls.

The Public Service Department informed this Department that the City contracted with Kamminga and Roodvoets, Inc. of Grand Rapids, Michigan for sewer construction work at the Exhibition Hall site. Accordingly, a copy of the claim has been referred to both Kamminga and Roodvoets, Inc. and its insurance company for resolution of this matter by them.

Therefore, at this time, no further action need be taken by City Council in this matter.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

January 2, 1986

Council President and
Members of City Council

RE: Authorizations of Deductible in the amount of \$495.78

Dear Council President and
Members of City Council:

In July and August of 1985, a total of three (3) claimants filed separate claims with the City alleging that while City Transportation employees were painting some concrete pillars on the fifth floor of the North Capitol parking ramp, paint was splattered on the claimant's parked vehicles. One of the claims totalling \$504.22 was paid by the City. Upon receipt of the two (2) subsequent claims it became apparent that the total amount of damaged alleged exceeded the \$1,000 deductible under the City's insurance policy with Auto-Owners. As a result, this Department forwarded the other two (2) claims totalling over \$1,500 to Auto-Owners.

Auto-Owners has informed this office that they had paid the other two claimants for the damages which occurred and are now seeking reimbursement of the remaining portion of the \$1,000 deductible, i.e. \$495.78, pursuant to its insurance policy with the City.

Pursuant to the terms of the City's insurance policy with Auto-Owners, it is the recommendation of this office that Auto-Owners be reimbursed the remaining portion of the deductible, i.e. \$495.78.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$495.78 payable to Auto Owners Insurance Co.

Carried.

December 30, 1985

Mayor Terr McKane,
Council President Charles Creamer,
and City Council Members

RE: Art Van Furniture
EDC Project

Dear Mayor McKane and Council Members:

At a special meeting of the Lansing Economic Development Corporation Board of Directors held on December 30, 1985 at Resolution of Inducement and Intent to Issue Revenue Bonds, To Proceed with a Project, and to Appoint Bond Counsel was approved

by a vote of 6-0 (copy of Resolution enclosed) for the Art Van Furniture Project.

Two Temporary Directors will be needed to be assigned to this project.

Sincerely yours,

EMERSON B. OHL,
Executive Director

Referred to the Committee on Economic Development.

RESOLUTIONS

By COMMITTEE OF THE WHOLE—

RESOLUTION #003

Resolved by the City Council of the City of Lansing:

That, the regular meeting of the Lansing City Council scheduled for Monday, January 20, 1986, be postponed to 7 p.m. on Tuesday, January 21, 1986, due to observance of the Martin Luther King, Jr. Holiday.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #004

Resolved by the City Council of the City of Lansing:

Whereas, January 20, 1986, will be the first national observance of Martin Luther King, Jr. Day in the United States of America; and

Whereas, the Federal Act that established this holiday on the third Monday in January suggests this day as "a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.;" and

Whereas, the City of Lansing will conduct its Fifth Annual Memorial Observance of Dr. King's birthday on Friday, January 17, 1986, and will invite all residents to pay tribute to Dr. King by "Living the Dream";

Now, Therefore, Be It Resolved in honor of Martin Luther King Jr.'s life and work, we, the members of the Lansing City Council, pledge to do everything that we can to make Lansing, Michigan a place where equality and justice, freedom and peace will grow and flourish; and

Be It Further Resolved, we, the members of the Lansing City Council, commit ourselves to living the dream by:

Loving, not hating,
Showing understanding, not anger,
Making peace, not war.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #5

Resolved by the City Council of the City of Lansing:

Whereas, this City Council desires to employ an individual as a Full-Time Temporary employee; and

Whereas, the January 15, 1985, Council Staff Personnel Rules are silent as to whether an individual employed by City Council in a Full-Time Temporary position is entitled to receive any fringe benefits;

Now, Therefore, Be It Resolved that the individual employed as a Full-Time Temporary employee by City Council shall receive during the term of employment fringe benefits of 16 hours of sick leave, four hours of personal leave time, and the subsidy given regular full-time employees for either a parking permit or a C.A.T.A. monthly pass.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBERS CREAMER AND WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter received from the Convention/Visitors Bureau of Greater Lansing for installation of brackets and hanging outdoor banners on light poles in downtown Lansing.

Referred to the Committee of the Whole.

Letter from the Tri-County Regional Planning Commission of the need for three appointments to be made from Council for the Commission.

Referred to the Committee of the Whole.

By COUNCILMEMBER ADADO—

That the Ways and Means Committee be discharged so the transfer of funds could be made for the Canine Unit for training when Michigan State University reconvenes from holidays.

Much discussion held.

Motion withdrawn.

More discussion. Finally former committees were asked to serve until new ones are appointed by Council President.

Two members of former Committee, Councilmembers Lindemann and Benavides asked for affirmative vote for the Transfer of Funds.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #006

Resolved by the City Council of the City of Lansing:

That the following transfer be approved:

\$20,000.00 from Reserve for Contingency

A/C 101-941-000-963

20,000.00 to Police Evidence Fund—Metro

A/C 101-305-016-958

(Additional funding needed to complete ongoing investigations).

\$1,700.00 from Police Patrol Bureau Salaries

A/C 101-316-000-702

850.00 to Police Uniform Div., Patrol Bureau Operating Supplies.

A/C 101-316-000-740

(Food equipment and pen for dogs for canine patrol)

600.00 to Police Uniform Division

A/C 101-316-00-741

(Medical checkups for dogs for canine patrol)

250.00 to Admin. Services Central Garage

A/C 101-222-006-985

(Platforms for vehicles for use by canine patrol)

Balance remaining in the Reserve for Contingency Fund after this transfer is \$352,042.00.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That Councilman Blair be excused from the session.

Carried.

REMARKS BY THE MAYOR

Spoke regarding Form 5498 not being required for Calendar Tax Year 1985 for city income tax filing.

Thanked his supporters during election—his wife, father, and also campaign workers.

REMARKS BY THE CITY COUNCIL

Councilmember Lindemann questioned City Attorney about claim of Steve Dines regarding Civic Center charges and insurance.

Councilmember Belen remarked as to this being her thirteenth year in City Council.

Councilmember Benavides thanked colleagues for their vote making him President of City Council this year.

Richard Letts, Human Relations Director, gave an update on monies collected by the Old Newsboys Association—\$75,393.00 collected and a donation from the General Motors Women's Club would put the total near \$76,000.00 this year.

William Mocherman, 426 E. Howe spoke regarding the denial of the \$30.00 towing fee claim he had on the agenda.

Councilmember Belen asked that they reconsider the vote taken to deny the claim of Marsha and William Mocherman.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Worthington—6.

Nays—Councilmember Schmidt—1.

By COUNCILMEMBER BELEN—

That we pay this claim in the amount of \$30.00.

Adopted by the following vote.

Yeas—Councilmembers Adado, Belen, Benavides, Lindemann, Worthington—5.

Nays—Councilmember Creamer, Schmidt—2.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:05 P.M.

RITA M. BAUMAN,
City Clerk.

January 6, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, January 13, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

January 13, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Schmidt, Worthington—7.

Absent: Councilman Lindemann—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilman Creamer.

Pledge of Allegiance was led by Brownie Troop 157 of North Elementary School.

John Peakes of the Boardhead Theater spoke regarding "Winterfare Festival" to be held at The Center for the Arts.

PUBLIC HEARING

January 13, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 915 W. Kalamazoo.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

James Starr, Atty., representing petitioner, spoke.

Mr. Kalis, owner of property, spoke.

Referred to the Committee on General Services.

January 13, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1447 Roosevelt St.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of

property they will have the privilege of speaking at this time.

Mr. Dykema spoke.

Referred to the Committee on General Services.

January 13, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1904 N. East Street.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Beer and wine carry-out—C.&L. Party Store, 4600 S. Cedar.

Referred to the Committee on General Services.

Atty. D. Michael Dudley files notice of claim for Layla Ahmad regarding accident at corner of Willow and Briarwood.

Referred to the City Attorney.

Claims filed by:

A. Thomas G. Newhouse, DeWitt, Michigan for reimbursement of tire damaged by a dislodged manhole in N. Logan St.

B. Harold Benson, 4812 Delbrook for reimbursement of costs due to sewer back-up.

C. Coburn C. Bland, D.O. for reimbursement of special assessment fees paid for property at 707 Beulah St.

Referred to the City Attorney.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 4a 1 & 2 (Board Appointments to Lansing Housing Commission and Police Community Relations Advisory Board); 4b (Board Resignation of Dennis Hurst—EDC Temporary Director); 4c (Appointment of Doug Griffith as EDC Temporary Director); 4d (Appointment for EDC Temporary Directors of Art Van Project, Tim Nichols and Ronald Lott); 4f (Complimentary letters re: Convention/Visitors Bureau's Annual Holiday Open House) and 4l (Urban Homesteading Program—Resolution required).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Beer and Wine Carry-out—C&L Party Store, 4600 S. Cedar.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

January 9, 1986

President Benavides and
Members of the Lansing City Council

RE: Claim of Katherine Jones in the amount of \$41.00

Dear President Benavides and
Members of the Lansing City Council:

On June 12, 1985 Katherine Jones submitted a claim in the amount of \$41.00 for damage to her husband's grave marker located in the Evergreen Cemetery. Claimant states that the grave marker was damaged by a lawnmower.

Information received from the Department of Parks and Recreation indicates that due to the settling of the ground or improper placement in 1965 the grave marker has shifted. The grave marker now rests 1½ to 2 inches above the ground and is therefore vulnerable to mower damage. It is likely that the marker was damaged by City the City mowing due to

this condition. The present practice is to place grave markers either flush with the ground or 8" above the ground to avoid lawnmower damage.

The City is immune from tort liability for property damage arising out of the exercise or discharge of a non-proprietary governmental function. MCLA 691.1407. "Governmental function" has been defined as any activity which is expressly or impliedly mandated by law. *Ross v. Consumers Power Co.*, 42 Mich 567 (1984). The operation and maintenance of the Evergreen Cemetery is mandated by the City Charter (Chapter 4 §305) and the City Code of Ordinances (Chapter 10§2). Therefore it is a governmental function within the hearing of *Ross*, supra.

There it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

As a point of information, however, the Parks Department suggests that since the marker in question was supplied by the Veteran's Administration, a replacement may be available on application by the family at little or no cost. If such a replacement is obtained, the City can install the marker in a new, proper foundation at no cost to the Claimant.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

January 9, 1986

President Antonio Benavides and
Members of the Lansing City Council

RE: Claim of Paul R. Klopfenstein in the amount of \$18.00

Dear President Benavides and
Members of the Lansing City Council:

On July 18, 1985 Paul R. Klopfenstein submitted a claim in the amount of \$18.00 for damage to his new mailbox and lettering on the mailbox. Claimant states that his mailbox was damaged by the "park mowing machine."

Information received from the Department of Parks and Recreation indicates that the Claimant's mailbox was accidentally hit by a parks mowing unit. Claimant's mailbox is located on the South side of Northrup within the road right-of-way at Beck Park which is a public park.

The City is immune from tort liability for property damage arising out of the exercise or discharge of a non-proprietary governmental function. MCLA 691.1407. "Governmental function" has been defined as any activity which is expressly or impliedly authorized or mandated by law. *Ross v. Consumers Power*, 420 Mich 567 (1984). The operation and maintenance of a public park is expressly authorized and mandated by City Charter (Chapter 4 §305) and, therefore, is such a governmental function.

Therefore, it is the recommendation of this office that as a strictly legal matter this claim should be denied on the basis of governmental immunity. It should be noted that prior to recent court decisions expanding the definition of governmental activities, this claim might have been paid.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we do not concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$18.00 payable to Paul R. Klopfenstein.

Carried.

January 9, 1986

President Antonio Benavides and
Members of the Lansing City Council

RE: Claim of Steve Dines in the amount
of \$713.50

Dear President Benavides and
Members of the Lansing City Council:

On November 21, 1985, the Claimant, on behalf of the Bulgarian Macedonian Association, submitted a request for reimbursement of \$713.50 which was paid for a one day insurance policy to cover the Association's dinner/dance which was held at the Lansing Civic Center on October 14, 1985.

In January of 1985, the Association reserved a portion of the Civic Center for their dinner/dance. In September, 1985, approximately one month prior to the event, they signed a written contract for the space. The contract required, among other things, that they obtain a policy of personal injury and property damage in an amount of at least \$600,000.00. Because they had not been required to buy such a policy in past years, the Association did not obtain the policy until they were contacted by the Civic Center six days prior to their dinner/dance and told that they must have it to use the facilities. They then purchased a one day liability policy with \$500,000.00 limits from J. Pung General Agency, Inc. at a cost of \$713.50.

Dr. Dines claims that the cost of the policy should be reimbursed by the City since: (1) such insurance had not been required in the past; (2) the insurance was unnecessary and (3) the City's policy of requiring such insurance for parties open to the public but not private parties is improper and unclear.

Based on the information received with regard to this claim, it appears that the American Bulgarian Macedonian Association entered into a valid, binding agreement to obtain such insurance as a condition for using the Civic Center. That requirement is a standard provision of the Civic Center's agreements and has been approved by City Council. Requiring such insurance serves the purpose of reducing the City's risk in running the Civic Center and may validly be required. In insisting that the Association honor their agreement, the Civic Center management was acting properly and within its rights. The fact that such insurance had not been required in past years (through either policy or oversight) does not affect the validity of imposing such a requirement currently. Additionally, there is no evidence that this Association was singled out or treated in a discriminatory fashion.

Based on the above, it is this office's recommendation that the City is not responsible for payment of the

Association's insurance premiums and that this claim should be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER BELEN—

that we do not concur in the recommendation of the City Attorney and this be paid for fifty percent of claim.

Councilmember Blair left the meeting.

By COUNCILMEMBER ADADO—

That this be amended to pay the full amount of the claim.

Adopted by the following vote:

Yeas—Councilmen Adado, Belen, Benavides, Creamer, Worthington—5.

Nays—Councilman Schmidt—1.

The claim as amended was adopted by the following vote:

Unanimously.

The claim of Eric G. Nutter in the amount of \$671.00 was pulled from the agenda for 1 week for further study.

January 10, 1986

City Council President Benavides
and Members of Lansing City Council

RE: Claim of Mercy Ambulance in the amount of
\$139.00

Dear City Council President Benavides
and Members of Lansing City Council:

An individual was transported to Ingham Medical Community Mental Health from Sparrow Hospital by Mercy Ambulance Service for the purpose of psychiatric evaluation. The psychiatric evaluation had been ordered by the Ingham County Probate Court. The transfer occurred as a result of arrangement between the hospital staff of Ingham Medical Community Mental Health and Sparrow Hospital. It was a non-emergency situation. Subsequently, Mercy Ambulance filed a claim for the costs of the ambulance service in the amount of \$139.00.

Pursuant to Section 4.303.5 of the 1978 City Charter, the Fire Department provides ambulance and emergency services, as the inhabitants of the City may require or as Council may direct. In this particular situation, no emergency existed. In addition, the transfer between hospitals occurred as a result of arrangements between the two hospital staffs. At the same time, pursuant to state statute, MCLA 216,252, in certain instances, the county is obligated to pay for ambulance services rendered to individuals unable to pay for the ambulance services by themselves. As a result of contact by our Department, Ingham County has indicated a desire to review this claim.

Based upon a review of the Charter, and the facts as they exist in this particular situation and a recommen-

dation by the Fire Chief, it is the recommendation of this office that this claim be denied by the City and forwarded to Ingham County for their review.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be sent to Ingham County for their review.

Carried.

January 9, 1986

President Tony Benavides and
Members of Lansing City Council

RE: Claim of Lee H. Dibble in the amount of
\$47.60.

Dear President Benavides and Members of City
Council:

On November 25, 1985, City Council received a claim from Lee H. Dibble, 1604 Wood Street, in the amount of \$47.60 to replace a broken dining room window. Claimant lives adjacent to the Groesbeck Golf Course and he discovered the dining room window was broken by a golf ball on or about Friday, October 11, 1985. Claimant obtained two estimates for the window in the amounts of \$45.60 and \$195.00.

Investigation by the Parks Department confirms the facts of the claim: the Claimant lives on Wood Street across from the Groesbeck Golf Course, near the 5th and 6th hole, and that a golf ball hit his dining room window breaking same.

While the operation of Lansing's Golf Course may be subject to governmental immunity pursuant to recent case law. (Ross v Consumers Power Company, 420 Mich 567,620 (1984)), it has long been the policy of the City to pay claims such as this. Therefore, based upon the above facts and policy, it is the recommendation of this office that this claim should be paid in the amount of the lower repair estimate, \$45.60.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$45.60 payable to Lee H. Dibble.

Carried.

January 3, 1986

Ms. Rita M. Bauman
City Clerk

Dear Ms. Bauman:

RE: Request from State Department of Treasury for
Board of Water and Light Staff Responses to

Comments and Recommendations Made by
Touche Ross & Co.

In response to the State Department of Treasury's correspondence, dated December 13, 1985, directed to the City Clerk, please be advised that three copies of staff's responses to comments and recommendations submitted by Touche Ross & Co. were mailed to the State Treasurer, Local Audit Division, on November 27, 1985.

Respectfully submitted,

MARY E. SOVA,
Board of Water and Light

Received and placed on file.

January 9, 1986

Ms. Rita Bauman
Lansing City Clerk

Re: Tax Increment Finance Authority of the City
of Lansing Audit Report Year Ended June 30,
1985

Dear Ms. Bauman:

Enclosed please find the Tax Increment Finance Authority of the City of Lansing Report on Financial Statements Year Ended June 30, 1985 to be placed on file.

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Received and placed on file.

January 9, 1986

Ms. Rita Bauman
Lansing City Clerk

RE: City of Lansing Hospital Finance Authority
Audit Report Years Ended June 30, 1985 and 1984

Dear Ms. Bauman:

Enclosed please find the City of Lansing Hospital Finance Authority Report on Financial Statements Years Ended June 30, 1985 and 1984 to be placed on file.

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Received and placed on file.

January 9, 1986

Ms. Rita Bauman
Lansing City Clerk

Re: Economic Development Corporation Audit
Report Years Ended June 30, 1985 and 1984

Dear Ms. Bauman:

Enclosed please find the Economic Development Corporation of the City of Lansing Report on Financial Statements Years Ended June 30, 1985 and 1984

and the Economic Development Corporation of the City of Lansing Report on Attachment "P" Audit Year Ended June 30, 1985 to be placed on file.

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Received and placed on file.

January 7, 1986

Council President Tony Benavides and
City Councilmembers

Dear Council President Benavides and City
Councilmembers:

I herewith submit for your information the appointment of Cynthia Jones to the Lansing Housing Commission.

Ms. Jones resides at 3204 N. Turner in the Hildebrandt Project and is an active community member. She is the first Housing Commission resident to be appointed to the Commission. Ms. Jones is a member of the Michigan Housing Coalition Board, the Welfare Rights Organization, and the Lansing Housing Coalition.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Received and placed on file.

January 9, 1986

City Council President Tony Beanvides and
Lansing City Councilmembers

Dear President Benavides and Ctiy Councilmembers:

I herewith submit to you for your information the appointment of Stella M. Allen to the Mayor's Police Community Relations Advisory Board. The term will expire August 1, 1986.

Ms. Allen is an active community member and is in the final stages of completing her Masters Degree in Criminal Justice at Michigan State University.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Denins M. Hurst

Re: Resignation as Temporary Director from
Economic Development Corp.

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Economic Development.

January 8, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Douglas Griffith as Temporary Director for the Economic Development Corporation projects on which Dennis Hurst has been serving.

Mr. Griffith is currently employed as the Business Manager for the Plumbers and Pipefitters Local Union 388.

I trust you will give careful consideration to the appointment of Douglas Griffith to these important projects.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Economic Development.

January 8, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Timothy Nichols and Ronald Lott as Temporary Directors for Art Van Furniture EDC project.

Mr. Nichols is presently employed as a business agent for Iron Workers Local 25. Mr. Lott currently serves as Temporary Director on other EDC projects.

I trust you will give careful consideration to the appointment of Timothy Nichols and Ronald Lott to this important Economic Development Corporation project.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Economic Development.

DATE: 1/8/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Tom Stanton

Re: No Smoking Ordinance

The attached correspondence is submitted for your
information.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on General Services.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Convention/Visitors Bureau

RE: Complimentary letters pertaining to the annual
Holiday Open House

The attached correspondence is submitted for your
information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Chatham Rd. and Loraine Ave: Yield Sign
Request

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Properties
and Safety.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Transportation Division

RE: Fauna St. and Ingham St.: Stop Sign Request

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Properties
and Safety.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Averill Dr. and Sandhurst Dr.: Stop Sign Request

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Properties
and Safety.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Clemens Ave. and Prospect St.: Stop Sign
Request

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Properties
and Safety.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

Re: Chadburne Dr. and Glenburne Blvd.: Stop Sign
Request

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Properties
and Safety.

DATE: 1/7/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor
 SUBJECT: Submission of attached correspondence
 from the Transportation Division
 Re: Pennsylvania Ave. at McKim Ave.
 No. Left Turn Except Sundays

The attached correspondence is submitted with my
 concurrence for your action.

TERRY J. McKANE,
 Mayor.

Referred to the Committee on Public Properties
 and Safety.

DATE: 1/7/86

TO: City Council President Creamer and
 Councilmembers
 FROM: Terry J. McKane, Mayor
 SUBJECT: Submission of attached correspondence
 from Budget Director
 RE: Transfer of Funds

The attached correspondence is submitted with my
 concurrence for your action.

TERRY J. McKANE,
 Mayor.

Referred to Referred to the Committee on Ways
 and Means.

DATE: 1/8/86

TO: City Council President Creamer and
 Councilmembers
 FROM: Terry J. McKane, Mayor
 SUBJECT: Submission of attached correspondence
 from Budget Director
 RE: Transfer of Funds for District Court

The attached transfer request is submitted for your
 action.

TERRY J. McKANE,
 Mayor.

Referred to the Committee on Ways and Means.

DATE: 1/9/86

TO: City Council President Creamer and
 Councilmembers
 FROM: Terry J. McKane, Mayor
 SUBJECT: Submission of attached correspondence
 from Director of Planning & Municipal Develop-
 ment

Re: Urban Homesteading Program—
 Required Resolution

The attached correspondence is submitted with my
 concurrence for your action.

TERRY J. McKANE,
 Mayor.

Referred to the Committee on Physical Develop-
 ment.

RESOLUTIONS

RESOLUTION #006

Resolved by the City Council of the City of Lansing:
 Whereas, the Rules of the City Council have not been
 reviewed since their last enactment on August 23,
 1982;

Now, Therefore, Be It Resolved, the Lansing City
 Council hereby establishes a Special Rules Committee
 consisting of three members of City Council ap-
 pointed by the President; and

Be It Further Resolved this Committee's charge
 shall be to review the existing Rules of the City Coun-
 cil and prepare a report containing findings and
 recommendations for consideration by the Committee
 of the Whole; and

Be It Finally Resolved the Committee's charge shall
 be fulfilled upon presentation of said report, at which
 time the Committee shall expire.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #007

Resolved by the City Council of the City of Lansing:

Whereas, Rule #17 of the Rules of the City Council
 requires that standing committees of Council and their
 functions be re-specified by Council resolution each
 January;

Now, Therefore, Be It Resolved, the Lansing City
 Council hereby names the following as standing com-
 mittees of the Council for calendar year 1986:

Economic Development Committee
 Physical Development Committee
 Ways & Means Committee
 Committee on Human Services & Intergovern-
 mental Relations
 Committee on General Services
 Committee on Public Properties and Safety

And Be It Further Resolved, each committee shall
 continue to function with the same list of respon-
 sibilities as in the past until such time as these respon-
 sibilities are reviewed and formally specified by resolu-
 tion of Council.

By COUNCILMEMBER BLAIR—

That the name of last Committee on the list be
 changed to Committee on Public Safety and Proper-
 ties.

Carried.

The resolution as amended was adopted by the
 following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #008

Resolved by the City Council of the City of Lansing:

That, Chief of Internal Audit, Louis S. Klimecky is hereby assigned to supervise the City Council office staff until further notice.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That Councilmember Lindemann be excused from the session.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

By COUNCILMEMBER CREAMER—

That the Council President's appointments to Committees for 1986 be approved.

Carried.

**Lansing City Council—
Committee Assignments—1986**

Council President—Tony Benavides
Council Vice-President—Alfreda Schmidt
(Chairperson of each committee in caps)
COMMITTEE ON WAYS & MEANS—LINDEMANN,, Worthington, Blair
COMMITTEE ON PHYSICAL DEVELOPMENT—CREAMER, Belen, Schmidt
COMMITTEE ON ECONOMIC DEVELOPMENT—ADADO, Belen, Benavides
COMMITTEE ON PUBLIC PROPERTIES & SAFETY—BLAIR, Adado, Benavides
COMMITTEE ON HUMAN SERVICES & INTER-GOVERNMENTAL RELATIONS—BELEN, Creamer, Schmidt
COMMITTEE ON GENERAL SERVICES—WORTHINGTON, Adado, Lindemann
COMMITTEE OF THE WHOLE—BENAVIDES, All Council Members
All Meetings Will Meet in Council Conference Room-10th Floor City Hall

911 Board—ADADO, Schmidt, Benavides
TRI-COUNTY MANPOWER—LINDEMANN, Worthington, Blair
TRI-COUNTY AGING—BLAIR, Worthington, Schmidt
TRI-COUNTY PLANNING—CREAMER, Belen, Benavides

AD HOC COMMITTEES

EXHIBITION HALL—Adado, Lindemann, George Fritz, Larry Meyer, Gary Granger

RULES COMMITTEE (New-to review rules and make recommendations)—CREAMER, Worthington, Schmidt

The following rezoning ordinance adopted on August 13, 1984 is being reprinted to correct legal description in the Council Proceedings.

ORDINANCES**By COUNCILMAN BELEN—**

The Committee reported that it had considered an ordinance providing, that the Code of Ordinances, City of Lansing, Michigan be amended by:

Providing for the rezoning of a parcel of real property located at 3900 Block Collins Road to be rezoned from "A" Residential District to "D-1" Professional Office District and recommended that the ordinance be passed.

By COUNCILMAN BELEN—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at 3900 Collins Road to be rezoned from "A" Residential District to "D-1" Professional Office District be placed on order of immediate passage.

By COUNCILMAN BELEN—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at 3900 Collins Road to be rezoned from "A" Residential District to "D-1" Professional Office District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO 2134

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-9-84, 3900 block of Collins Road

Parcel Numbers: Part of 3301-36-102.001 and 3301-36-102-011 and all of Parcels 3301-36-102-021, 3301-36-102,031, 3301-36-102-041 and 3301-36-102-051.

Legal Description: A part of the west $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of Section 36, T4N, R2W, City of Lansing, Ingham County, Michigan, described as, commencing at the west $\frac{1}{4}$ corner of Section 36; thence S89° 26' 28" E1307.16 feet along the east/west $\frac{1}{4}$ line to the southeast corner of the west $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of Section 36; thence N 00° 07' 51" W along the east line of the west $\frac{1}{2}$ of the northwest $\frac{1}{4}$ 825.06 feet to the point of beginning; thence N 89° 26' 28" W 969.42 feet parallel with the east/west $\frac{1}{4}$ line to the east line of Highway US 127; thence N 10° 12' 40" W 167.30 feet along said east line; thence N 00° 23' 21" E 493.42 feet along said east line; thence S 89° 26, 28" E 994.22 feet to the east line of the west $\frac{1}{2}$ of the northwest 14; thence S 00° 07' 51" E 657.81 feet to the point of beginning; containing 15 acres of land \pm and subject to any easements or rights of way of record.

From "A" Residential District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

REMARKS BY THE MAYOR OR HIS EXECUTIVE ASSISTANT

Martin Luther King, Jr. celebration events for coming 2 weeks.

Announced that City Hall would be closed on Monday, January 20, 1985.

REMARKS BY THE CITY COUNCIL

Councilmember Creamer asked Mayor to review Glen Island Communication.

Councilmember Schmidt asked about orange bag pickup program for next Monday and was assured it would continue to be picked up.

Councilmember Adado questioned Ordinance amendment needed for next year as Martin Luther King Jr. Day would be a national holiday.

Steve Dines thanked City Council for their vote on his claim.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 7:54 P.M.

RITA M. BAUMAN,
City Clerk.

January 13, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, January 21, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

January 21, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of the November 25 and December 2, 1985 be approved and Carried.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

Claims filed by:

a. Mrs. Jack Cary, 512 Bluebell, for cost of mail box post damaged by a snow plow.

b. William G. Johnson, DeWitt, MI, for reimbursement of tire damaged by piece of metal on N. Logan St.

c. Farm Bureau General Insurance Co. submits claim for their insured, Kenneth Dimoff's 1982, Dolorian, damaged by striking a protruding manhole assembly on Aurelius Road.

Referred to the City Attorney.

Petition filed for rezoning—Z-1-86—5510 S. Logan Street, described a South Part of Lot 7 legal description furnished this office:

Lot 7 except the Northeasterly 1½ acres more or less of Creys Subdivision, now City of Lansing, Ingham County, Michigan, except Highway easement for M—99 as recorded and drainage easement of record.

More particularly described as follows:

Commencing at the NW Corner Lot 7, Creys Subdivision, a Subdivision of part of Section 5, T3N, R2W, Delhi Township, now City of Lansing, Ingham County, Michigan: thence S89°25'48"E along the North line of said Lot 7, 139.26 feet, thence S43°56'20"E 493.00 feet to a point on the northwesterly right of way line of M-99 (Logan Street) as now located, said right of way line being 50.00 feet, when measured at right angles to the centerline of M-99, thence along the arc of the 50' right of way curve to the right, said curve having a delta angle of 11°18'40", radius of 3,183.10 feet long chord bearing and distance S40°11'57" W 87.73 feet, a distance of 87.74 feet to the SW Corner of said Lot 7; thence N45°05'20" W along the westerly line of said Lot 7, 599.70 feet to the point of beginning. The above described land contain 1.16 Acres to the 50 foot R.O.W. easement line, however, ownership extends to the original lot lines delineated as 33.00 feet from the centerline of Old M-99 which is not correlated with the new centerline of M-99 as now located: are subject to the rights of the public over the Northwestly 50.00 feet of M-99, a 50 foot drain easement over the Northerly lot line, a 10 foot sewer easement, and all other easements and restrictions of record, if any.

To be rezoned from "A" Residential, "J" Parking and "F" Commercial District to "G-2" Wholesale District filed by Roger L. Davis.

Referred to the Mayor and Planning Board.

Geert D. Mulder and Sons, Inc. files final plat of Tammany Hills #4.

Referred to the Mayor and Planning Board.

Request for permission to build a school bus shelter between curb and sidewalk at Granger-Armstrong Sts. by Cherie & Carl Eck, 743 Armstrong Rd.

Referred to the Mayor.

Cleo Wright and Mary Haney submits petitions and requests public hearing for traffic light installation at E. Grand River Ave. and Center St.

Referred to the Mayor and Traffic Board.

Celesta Campbell submits letter in support of No Smoking Ordinance.

Referred to the Committee on General Services.

Letters expressing opposition to No Smoking Ordinance received from:

- a. Garfield R. Bowman, 5218½ S. Waverly Rd.
- b. James D. Taylor, 1004 Queen St.
- c. Gerald A. Abraham, 5411 Enterprise Dr.
- d. Sonja Terzian, 2424 Hanove Dr.
- e. Theodore M. Terzian, 2424 Hanover Dr.
- f. Thomas L. Toms, 1524 Boston Blvd.
- g. Carolyn and Richard Skinner, 507 Woodrow St.
- h. Gordon C. Boardman, Atty., 800 Michigan National Tower
- i. Sally Bushey.

Referred to the Committee on General Services.

Letters regarding Fair Housing Ordinance received from:

- a. Virginia E. and Walter L. Riley, 2127 Quentin Ave.
- b. Lynne L. Croxford, Director Ingham County Dept. of Social Services.
- c. Mary Boudreau, 920 Princeton Ave.

Referred to the Committee on General Services.

Maurice A. Ridge submits letter protesting illegal parking of automobiles in the 700-800 blocks of N. Hayford St.

Referred to the Mayor.

Michigan Municipal League submits notices re:

- a. Annual Legislative Conference at the Civic Center on February 26, 1986.
- b. National League of Cities Congressional-City Conference in Washington, D.C. on May 8-11, 1986.

Received and placed on file.

State of Michigan Public Service Commission submits notice of hearing regarding applications of Consumers Power Co. for:

- a. Reconciliation and adjustment of the surcharge for its Energy Conservation Financing Plan.
- b. Authority to establish tariffs governing attachments to poles, ducts, conduits and right-of-way.
- c. Reconciliation and adjustment of the surcharge for its Residential Conservation Services Program.

Received and placed on file.

Michigan Department of Natural Resources submits:

- a. Denial of the Board of Water and Light's application for permits to construct a clay dike in the floodplain of the Red Cedar River.

Received and placed on file with copy to Committee on Public Safety and Properties.

- b. Permit for placing fill material in the Grand River Flood Plain for Merlyn M. Gates. 2100 Coolidge St.

Received and placed on file.

MAYOR'S EXECUTIVE ASSISTANT COMMENTS ON ANY ITEM ON THE AGENDA

No comments.

REPORT OF COMMITTEE

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the rezoning petition—Z-28-85—6841 S. Cedar Street to be rezoned from "F" Commercial and "J" Parking Districts to "F" Commercial District.

Z-29-85—Vacant land west of 5522 S. Cedar Street to be rezoned from "A" Residential District to "J" Parking District reports as follows:

That said rezonings be approved.

Signed:

CHARLES CREAMER
ALFREDA SCHMIDT
LUCILE BELEN
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

January 16, 1986

President Benavides and
Members of the Lansing City Council:

RE: Claim of Beverly J. Knight in the amount of \$130.80.

Dear President Benavides and
Members of the Lansing City Council:

On September 5, 1985, Beverly J. Knight submitted a claim in the amount of \$130.80. Claimant states that on August 28, 1985 she stopped near the exit booth of the South Capitol Garage behind a friend of hers who paid her parking fee. Claimant states she pulled up to the pay booth to verify that the parking fee had been paid by her friend. Claimant preceded to exit the parking structure when the yellow gate came down on top of her vehicle scraping the roof.

The Transportation Department indicates that the

parking equipment was functioning properly on the date in question. However, the parking equipment is not cycled to handle the type of transaction which was attempted by the Claimant and her friend. The correct procedure requires that the first vehicle stop, pay the parking fare, drive through the exit and then the second vehicle stops at the attendant booth to either pay or allow the parking gate arm to recycle before driving through. The Claimant did not stop at the attendant parking booth according to the Public Service Department. The attendant on duty did not have an opportunity to allow the parking gate arm to recycle in order to allow Claimant to exit the garage in the normal manner. There is no indication that the City was negligent in any way with regard to this matter.

Based upon the above information, it is the recommendation of this office that this claim should be denied.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

January 16, 1986

President Benavides and
Members of the Lansing City Council

RE: Claim of Thomas R. Warren in the amount of
\$30.00

Dear President Benavides and
Members of the Lansing City Council:

On November 25, 1985 Mr. Thomas R. Warren submitted a claim in the amount of \$30.00 for a towing service charge. Claimant states that Clemens Street where he lives has been closed for approximately four weeks for sewer reconstruction. Claimant indicates that he was not informed as to where he could park his vehicle. Claimant indicates that he received permission from the laundromat to park and had done so for approximately two weeks before the owner called to have his vehicle towed away. Information received from the Public Service Department indicates that because of extremely wet weather conditions Clemens Street was impassable. Normally, area residents are advised that they may park their vehicles on adjacent streets without being ticketed for overnight parking. Apparently, the residents on Clemens Street were not so notified.

The owner of the private laundromat called the tow trucks to have the Claimant's vehicle removed. It was the Claimant's decision to park at the laundromat and the decision of the owner of the property which resulted in the towing service charge Claimant sustained and not the action of the City. In fact, in this case it would appear that the action of the laundromat occurred despite having given permission for the Claimant to park there.

Therefore, it is the opinion of this office that the City is not legally responsible for the towing charges incurred by the Claimant and that, as a legal matter, this claim should be denied.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we do not concur in the recommendation of the City Attorney and this claim be paid in the amount of \$30.00.

Adopted by the following vote:

Yeas—Councilman Adado, Belen, Benavides,
Lindemann, Schmidt, Worthington—5.

Nays—Councilman Blair, Creamer, Worthington—3.

January 16, 1986

President Benavides and
Members of the Lansing City Council

RE: Claim of Janet M. Smith in the amount of \$30.00

Dear President Benavides and
Members of the Lansing City Council:

On November 26, 1985 Janet M. Smith submitted a claim in the amount of \$30.00. Claimant states that on Friday evening, November 22, 1985 she parked her vehicle in the parking area of a laundromat at the intersection of Kalamazoo and Clemens Streets. Claimant indicates that she parked her vehicle in the laundromat parking area because of sewer reconstruction in the 400 Block of South Clemens rendering the street impassable and cutting off her access to her driveway. The Claimant did not obtain the permission of the owner of the laundromat to park in the lot. Claimant states that on Saturday morning, November 23, 1985 the owner of the laundromat ordered a two truck to tow her vehicle from the laundromat parking lot.

Information received from the Public Service Department indicates that because of extremely wet weather conditions Clemens Street was impassable. Normally, area residents are advised that they may park their vehicles on adjacent streets without being ticketed for parking violations. Apparently, the residents on Clemens Street were not so notified. The owner of the private laundromat called out the tow trucks to remove parked cars from his lot. It was the Claimant's decision to park in the private lot and the action of the owner of the property which resulted in the towing service charges Claimant suffered and not the City's action that resulted in the Claimant's injury.

Based on the above, as a legal matter, it is this office's opinion that the City is not liable for Claimant's towing charges and that this claim should be denied.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we do not concur in the recommendation of the City Attorney and this claim be paid in the amount of \$30.00.

Adopted by the following vote:

Yeas—Councilman Adado, Belen, Benavides,
Lindemann, Schmidt—5.

Nays—Councilman Blair, Creamer, Worthington—3.

January 17, 1986

President Benavides and Members
of Lansing City Council

RE: Stop N Lock v City of Lansing MTT Docket
No. 83683

Dear President Benavides and
Members of City Council:

On June 29, 1983 the Petitioner, Stop N Lock filed a claim with the Michigan Tax Tribunal alleging that the assessment placed upon the property located at 1140 Ramada Drive by the Lansing City Assessor for tax year 1983 was in excess of fifty percent of its true cash value and therefore was illegal. The assessment placed upon the subject property for tax year 1983 was \$573,500. Petitioner alleged that the assessment should not exceed \$400,000. Subsequently, Petitioner amended its petition to include tax years 1984 and 1985.

Pursuant to Michigan Tax Tribunal Rules a counsel conference was held in the City Assessor's Office. As a result of information being supplied to the City Assessor by the Petitioner, the City Assessor was able to verify that the income and expense data supplied by the Petitioner to the City Assessor for the subject property did not justify the assessments placed upon the subject property for the 1983 and 1984 tax years.

Therefore, after further discussions between the Petitioner and the Lansing City Assessor, a tentative settlement in this matter was reached. The tentative settlement proposes that the assessment on the subject property for the 1983 tax year and the 1984 tax year be reduced to \$439,353, and the assessment for the 1985 tax year remain at \$573,500.

Pursuant to the recommendation of the City Assessor, the facts which exist in this particular situation and the uncertainty of outcome if this matter proceeds to trial, the tentative settlement as set forth above is forwarded for your approval.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER LINDEMANN

That we consider the Tax Tribunal cases to be read.

Carried.

By COUNCILMEMBER BLAIR—

I move that we separate the Tax Tribunal cases and vote on the first one separately.

Carried.

The Tax Tribunal case of Stop N Lock vs City of Lansing was adopted by the following vote:

Yeas: Councilman Adado, Belen, Benavides, Creamer, Lindemann, Worthington—6.

Nays: Councilman Blair, Schmidt—2.

January 17, 1986

President Benavides and Members
of Lansing City Council

Re: Provincial House v City of Lansing
MTT Docket No. 89913

Dear President Benavides and
Members of Lansing City Council:

On June 25, 1984 the Petitioner, Provincial House, filed a claim with the Michigan Tax Tribunal alleging that the assessment placed upon the property located at 4000 N. Grand River by the Lansing City Assessor was in excess of fifty percent of its true cash value and therefore was illegal. The assessment placed upon the subject property for 1984 was \$479,200. Petitioner alleged that the assessment should not exceed \$300,000.

Pursuant to Michigan Tax Tribunal Rules a counsel conference was held in the City Assessor's Office. As a result of information being supplied to the City Assessor by the Petitioner, the City Assessor was able to verify that excessive vacancy existed during tax year 1984 for the subject property.

Therefore, after further discussions between the Petitioner and the Lansing City Assessor, a tentative settlement in this matter was reached. The tentative settlement proposes that the assessment on the subject property for the 1984 tax year be reduced to \$375,000.

Pursuant to the recommendation of the City Assessor, the facts which exist in this particular situation and the uncertainty of outcome if this matter proceeds to trial, it is the recommendation of this office that the tentative settlement as set forth above be approved.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER LINDEMANN:

That we concur in the recommendation of the City Attorney and the settlement as set forth be approved.

Carried.

January 17, 1986

President Benavides and Members
of Lansing City Council

RE: First of America (Auto Branch) v City of
Lansing MTT Docket No. 89746

Dear President Benavides and
Members of Lansing City Council:

On June 29, 1984 the Petitioner, First of America (Auto Branch) filed a claim with the Michigan Tax Tribunal alleging that the assessment placed upon the property located at 616 S. Washington by the Lansing City Assessor was in excess of fifty percent of its true cash value and therefore was illegal. The assessment placed upon the subject property for 1984 was \$102,900. Petitioner alleged that the assessment should not exceed \$55,000.

Pursuant to Michigan Tax Tribunal Rules a counsel conference was held in the City Assessor's Office. As a result of information being supplied to the City

Assessor by the Petitioner, the City Assessor was able to verify that sales of properties surrounding the subject property did not justify the assessment placed upon the subject property for tax year 1984.

Therefore, after further discussions between the Petitioner and the Lansing City Assessor, a tentative settlement in this matter was reached. The tentative settlement proposes that the assessment on the subject property for the 1984 tax year be reduced to \$65,000.

Pursuant to the recommendation of the City Assessor, the facts which exist in this particular situation and the uncertainty of outcome if this matter proceeds to trial, it is the recommendation of this office that the tentative settlement as set forth above be approved.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the City Attorney and the tentative settlement as set forth above be approved.

Carried.

January 17, 1986

President Benavides and Members
of Lansing City Council

Re: First of America (Service Center) v City of
Lansing MTT Docket No. 89748

Dear President Benavides and
Members of Lansing City Council:

On June 29, 1984 the Petitioner, First of America (Service Center) filed a claim with the Michigan Tax Tribunal alleging that the assessment placed upon the property located at 5829 Executive Drive by the Lansing City Assessor was in excess of fifty percent of its true cash value and therefore was illegal. The assessment placed upon the subject property for 1984 was \$495,900. Petitioner alleged that the assessment should not exceed \$350,000.

Pursuant to Michigan Tax Tribunal Rules a counsel conference was held in the City Assessor's Office. As a result of information being supplied to the City Assessor by the Petitioner, the City Assessor was able to verify that discontinued use of the subject property did not justify the assessment placed upon the subject property for tax year 1984.

Therefore after further discussions between the Petitioner and the Lansing City Assessor, a tentative settlement in this matter was reached. The tentative settlement proposes that the assessment on the subject property for the 1984 tax year be reduced to \$412,500.

Pursuant to the recommendation of the City Assessor, the facts which exist in this particular situation and the uncertainty of outcome if this matter proceeds to trial, it is the recommendation of this office that the tentative settlement as set forth above be approved.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the City Attorney and the tentative settlement as set forth above be approved.

Carried.

January 13, 1986

Mayor Terry McKane,
Council President Benavides and
Lansing City Council Members

Dear Mayor McKane and City Council Members:

At its regular meeting held on January 8, 1986, the Economic Development Corporation of the City of Lansing approved the attached Resolution of Inducement and Intent to Issue Revenue Bonds, To Proceed with a Project, and to Appoint Bond Counsel for the project known as RSI Wholesale, Inc. to assist in the financing of the acquisition, construction and equipping of an office building and warehouse facility, located on East Grand River Avenue, between Larch and the Chessie System Railroad, in the City of Lansing.

The amount of the requested bond issue is estimated not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000).

It will be necessary for two (2) Temporary Directors to be appointed to this project.

Sincerely yours,

EMERSON OHL,
Executive Director

Referred to the Mayor and the Committee on
Economic Development.

DATE: 1/16/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the City Controller

RE: Financial Security—Concord Village
Subdivision

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and release the financial security for the Concord Village Subdivision in the amount of \$1,575.00.

Carried.

DATE: 1/16/86

TO: City Council President Creamer and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the City Controller

Re: Financial Security—Provincial House #3

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the financial security for Provincial House #3 in the amount of \$2,060.00 be released.

Carried.

DATE: 1/16/86

TO: City Council President Creamer and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the City Controller

Re: Financial Security—Provincial House #4

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the financial security for Provincial House #4 in the amount of \$13,445.00 be released.

Carried.

DATE: 1/16/86

TO: City Council President Creamer and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the City Controller

RE: Financial Security—Glenburne #5

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the financial security for Glenburne #5 in the amount of \$4,790.00 be released.

Carried.

DATE: 1/15/86

TO: City Council President Creamer and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Dept. of Social Services

Re: Clarification for DSS public assistance payments

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

DATE: 1/15/86

TO: City Council President Creamer and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Randy G. Schafer

Re: Letter of appreciation re: Lansing Police Department/Officer Koenigsnecht

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 1/15/86

TO: City Council President Creamer and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from U.S. Dept. of Housing & Urban Devel.

Re: Urban Development Action Grant Program Eligibility Recertification

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

January 14, 1986

Council President Tony Benavides and City Councilmembers

Dear Council President Benavides and City Councilmembers:

Following is information regarding the award of State "Equity" funds to Lansing:

—Potter Park Zoo (farmyard exhibit)	\$80,000
—Approach to the Capitol	50,000
—Impression 5 Museum	15,100
—Lansing Symphony Orchestra	12,300
—Lansing Art Gallery	6,400

It has been reported that the "floating fountain" project was funded as part of this program. However, that project has been delayed so that we can proceed with the Approach to the Capitol project. The Commerce Department also has notified me that a \$50,000 grant will be available from the Sesquicentennial Program for the Approach to the Capitol. Thus we will have \$100,000 to initiate work on this joint City-State effort.

Numerous persons were involved in making these grants possible including members of the Governor's staff, local legislators, and others. I commend their cooperation and work on behalf of a better Capital City.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 1/14/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Neighborhood Clean-Up—N. Butler/
Genesee St. Area Oct. 21-Nov. 29, 1985/Final
Report

Human Relations Department

During this clean-up period the Human Relations Department scheduled Field Workers in the area. Contact was made with many residents living in the area and unusual activities were reported to the proper departments.

Lansing Police Department

The following report outlines the activities in the targeted area:

- 59 Calls for service
- 36 Moving violations
- 9 Non-moving violations
- 266 Parking violations
- 26 Arrests
- 6 Juvenile contacts

Unusual activities are being monitored by the Police Department and the Metro Narcotics Squad.

On October 18, the Criminal Intelligence Unit and Uniform Officers executed a search warrant at 435 N. Butler. (Dragon's Motorcycle Club.) 83 appearance summonses were issued. 13 persons had warrants on them.

Fire Department

Members of the Fire Prevention Bureau of Lansing Fire Department attempted 161 fire inspections in the targeted area. Below is a break-down of those attempts:

- 36 Houses inspected
- 77 Not home
- 28 Refused
- 13 Vacant houses
- 7 Will set up appointment for an inspection

City Attorney

There were 6 complaints and warrants handled by the

City Attorney's office during this period. The type of offenses included:

- 1) Disturbing the peace
- 2) Resisting
- 3) Profane language
- 4) Public intoxication
- 5) Open alcohol
- 6) Assault and battery

Planning and Municipal Development Dept./ Building Safety Division

Numerous code violations were found in the Genesee/Butler area. The Building Safety Division of the Planning Department is aggressively pursuing these violations.

Home per street found to have code violations:

- Butler St.—15
- Genesee—26
- Lapeer—25
- Leitram—3
- Logan—4
- Pine—5
- Saginaw—4
- Shiawassee—9
- Sycamore—5

Received and placed on file with copy to General Services.

January 14, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

Recently you requested my recommendation with regard to consolidating the City's real estate purchase, sales and management functions in one office.

In response to that request, please find attached an executive reorganizational plan which consolidates such functions in the Development Division of the Department of Planning and Municipal Development. This plan is being submitted pursuant to subsection .7 of section 4-301 of the Lansing City Charter and reflects my recommendation as to how such a consolidation may be most efficiently accomplished.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

January 13, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

I have reviewed the requests of the North Lansing Community Association regarding the Fun Fest Festival for 1986 and have approved the dates they requested which are June 12, 13, 14 and 15.

I have also assigned staff to work with the committee in order to coordinate their needs with our schedules and facilities availability.

We look forward once again to a successful and enjoyable Fun Fest for 1986.

Sincerely,

TERRY J. McKANE,
Mayor.

Received and placed on file with copy to Public Safety and Properties.

DATE: 1/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Budget Director

RE: Transfer of Funds

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to Committee on Ways and Means.

DATE: 1/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Lansing Fire Department

RE: Fire Safety Inspections

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

RESOLUTIONS

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0009

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, February 10, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving Special Land Use—SLU-19-85—3000 blk. E. Jolly Road to be used as a church.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0010

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing, Michigan, is undertaking a housing and community development program to increase the supply of decent, safe and sanitary housing in the city and revitalize its residential neighborhoods; and

Whereas, Section 810 of the Housing and Community Development Act of 1974, authorizes the Department of Housing and Urban Development (HUD) to transfer repossessed vacant one-to-four unit properties for localities to use in HUD approved urban homesteading programs; and

Whereas, citizens of the City of Lansing and surrounding areas continue to inform Development Division staff about their need for homestead properties; and

Whereas, the City of Lansing has prepared an Urban Homesteading Program as part of the city's housing strategy; and

Whereas, Federal regulations require the city to make certain certifications and assurances to HUD as part of the city's application under the Urban Homesteading Program;

Now, Therefore, Be It Resolved, that the Mayor is hereby authorized to file with HUD an application for the continuance of the Urban Homesteading Program, including all understandings and assurances contained therein.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCE(S)

The following ordinance(s) of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Revising the district maps adopted by Section 36-6 of the Code of Ordinances and to change the zoning classification for the rezoning petition.

Z-30-85—405 E. Holmes Rd. to be rezoned from "DM-3" Residential District to "F" Commercial District was introduced by Councilmember Creamer read a first and second time by its title(s) and referred to the Committee on Physical Development.

By COUNCILMEMBER CREAMER—

RESOLUTION #0011

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, February 10, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and or approving the rezoning petitions Z-30-85—405 E. Holmes Rd. to be rezoned from "DM-3" Residential District to "F" Commercial District.

Adopted by the following vote:

Unanimously.

By COUNCILMAN CREAMER—

The Committee reported that it had considered an ordinance providing, that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Mich. and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-28-85—6841 South Cedar Street to be rezoned from "F" Commercial and "J" Parking Districts to "F" Commercial District.

Z-29-85—Vacant land west of 5522 S. Cedar Street to be rezoned from "A" Residential District to "J" Parking District and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-28-85, 6841 South Cedar Street to be rezoned from "F" Commercial and "J" Parking Districts to "F" Commercial District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this Ordinance on rezoning be considered as read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-28-85, 6841 South Cedar Street to be rezoned from "F" Commercial and "J" Parking Districts to "F" Commercial District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2176

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-28-85, 6841 South Cedar Street
Parcel Number: 3305-10-377-001
Legal Description: Lot 106, Justamere Farms #1,
City of Lansing, Ingham County, Michigan

From "F" Commercial and "J" Parking Districts to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-29-85, Vacant land west of 5522 South Cedar Street to be rezoned from "A" Residential District to "J" Parking District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this ordinance on rezoning be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-29-85, Vacant land west of 5522 South Cedar Street to be rezoned from "A" Residential District to be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2177

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the District maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number—Z-29-85, Vacant land west of 5522 South Cedar Street

Parcel Number—3305-04-251-081

Legal Description: The east 68.88 feet of the following described property; commencing 100 feet east and 43 feet north of the southeast corner Rand-Kris Subdivision; thence north 163 feet, east 111.47 feet, north 58 feet, east 68.88 feet, south 147 feet, south 62° west to point east of beginning, west to beginning, Section 4, T3N, R2W, City of Lansing, Ingham County, Michigan.

From "A" Residential District to "J" Parking District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

District Judge Charles F. Filice submits letter with the 1985 State of the Judiciary Report for the 54-A District Court.

Received and placed on file.

REMARKS BY THE EXECUTIVE ASSISTANT

Harton Street Pump Station
Tecumseh Road Pump Station
Announced partial street closings.

REMARKS BY THE CITY COUNCIL

Councilmember Adado questioned Mr. Boyd regarding the Civic Center and the Exhibition Center.

Councilmember Schmidt spoke regarding renovation of the downtown Hotel by Lyons Savings and Loan.

Cleo Wright spoke regarding communication #6—regarding the traffic light at East Grand River and Center St.

Bonnie Slatter spoke and read a letter from Mary Haney regarding communication #6—traffic light at East Grand River and Center St.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 7:55 P.M.

RITA M. BAUMAN,
City Clerk.

January 21, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, January 27, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

January 27, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By COUNCILMEMBER BELEN—

That the council proceedings of December 9, 16, 22, and 30, 1985 be approved and Carried.

PUBLIC HEARING

January 27, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 6420 Hilliard Rd.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

January 27, 1986 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 5912 Pheasant St.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

January 27, 1986

Council President Tony Benavides and City Councilmembers

Dear President Benavides and Councilmembers:

It is my Charter responsibility and also my great personal privilege to present to you and the people of Lansing my fifth State of the City Message. This message is especially important because it marks the beginning of my second term as Mayor of this great city.

During my recent campaign for re-election, I had many opportunities to listen to our constituents in a variety of settings. Actually, the messages were basically the same as I had been hearing for the past four years.

First, we should continue to operate City government as inexpensively as possible. This means that we must continue our efforts to find more cost-effective methods of operation so that we can run this government with the lowest reasonable property tax rate.

Secondly, we should continue to improve our basic City services. People want dependable police and fire protection; smooth, safe streets and sidewalks; good refuse pick-up, street cleaning, and snowplowing; tough zoning and housing code enforcement; a broad mix of parks, recreational, and cultural opportunities; and an efficient set of compassionate human services programs.

In other words, people want, safe liveable neighborhoods. You and I have made neighborhoods our top priority, and I see no reason to change our position at this time.

Thirdly, we should continue our efforts to provide new jobs and save existing ones. We call it "economic development", but what we really mean is "jobs, jobs, jobs." People need jobs. Without jobs, there are no viable families, neighborhoods, or tax base for essential city services. Benton Harbor is an example of a community without jobs. According to a recent nationally televised program, eighty percent (80%) of the population of that city is on public assistance.

So these are the main concerns I heard last year and have heard for the last fifteen years that I have been in elective office. We must work together to provide excellent city services at the lowest possible property tax

rate, and we must use all available economic incentives and public-private partnerships to create and preserve jobs for our residents. If we share these priorities, then there is no room nor time for petty personal or political back-biting or name-calling. If we truly want to do the jobs that we were elected to do, we shall seek ways to support one another rather than wasting precious time on self-serving criticism. In the words of Isaiah: "Come, let us reason together."

PRIORITIES FOR A STRONGER LANSING

Within the general parameters already described, I have pushed for seven specific City priorities over the past four years. Tonight, I wish to emphasize three of them as foundation stones for my second term: Liveable neighborhoods, excellent public safety and essential City services; and an expanded and diversified local economy.

Priority: Liveable Neighborhoods

Nearly every City service is intended to improve Lansing neighborhoods. Effective police and fire protection, street and sidewalk repairs, new sewers, better parks, and all our other services contribute to a higher quality of life in our neighborhoods.

Over the past four years you and I together have begun or strengthened programs designed specifically for neighborhood improvement. As examples:

- We adopted a comprehensive zoning ordinance. This is proving to be an excellent tool in protecting our neighborhoods from undesirable side effects of development.

- We established a new housing and code enforcement task force. This is providing better coordination of City agencies involved in inspections.

- We revised our Community Development Block Grant Program to enable better participation by residents.

- We have helped the Neighborhood Watch grow to 137 groups serving 13,000 households. This effort is helping to control crime.

- We established an Historic District Ordinance and Commission. This is assisting us to revitalize several of our older neighborhoods.

- We put together a coordinated effort of City and other local agencies to assist two specific neighborhoods (the Butler Street and Baker Street areas). These efforts can serve as a model to assist other parts of the City.

- We have improved our tree planting efforts. We will plant 1,000 neighborhood street trees in 1986. In cooperation with the state, county, and other agencies we are planting additional trees.

- We established a community energy management program. This is helping to control heating costs in homes and businesses.

I now meet monthly with the Neighborhood Council. This assists us to better coordinate activities.

I have a part-time staff person to assist with neighborhood improvement. She is working closely with neighborhood leaders, staff, and elected officials.

Let us continue to work together with other officials and with citizens so that our neighborhood improvement projects work at the highest possible level. There is no more important task before us.

Priority: Public Protection and Other Essential Services

PUBLIC SAFETY: Both our Police and Fire Departments provide excellent service. I know that all of us share a high regard for the men and women who staff these services. They literally risk their lives to protect us, our families, our homes, and our material goods.

Over my next term I intend to continue improvements that we have begun in our public safety, particularly in our Police Department. Most important, these include efforts to:

- better define the role of the Department to increase the likelihood that we will apprehend criminals and

- better staff our patrol force during times when criminal activity is highest.

Over the past several years the number of calls for protection has increased. It is my intent—and I know it is yours also—that we reduce response times to criminal activity or danger to our citizens.

OTHER BASIC SERVICES: Several persons have written me to say that our "basic" services are most important to them. A couple even have suggested that we not get involved at all in "frills."

Of course, basic services can mean different things to different people and different interest groups. But when I speak of the basics I am referring to such things as snowplowing, refuse pickup, parks maintenance, code enforcement, and wastewater treatment. I also am vitally concerned with upkeep of our "infrastructure"—our streets, bridges, and sidewalks; waste treatment and sewer facilities; and parking garages, Civic Center, City Hall, and other buildings.

The part of my message that is titled "Lansing City Government Activities in 1985" details our recent work in our service areas. In this part of it I want only to repeat something I have said often already: During my second term I intend to continue to make our basic services more modern and efficient. I have no greater task as your chief executive.

Priority: Economic Development

We are fortunate to be part of a national economic revitalization. However, it is important that we make long-term, local jobs improvements. Thus we must continue work to modernize our local and regional economy.

DOWNTOWN LANSING: At the heart of our region—indeed of our state—is our downtown. Much has been happening here due to the concerted efforts of my staff and the EDC staff, both acting under my supervision. For example, a new 100-block office building is built and is occupied with professional firms. A new hotel, exhibition center, and parking garage expansion are under construction after years of frustration. Numerous private building and renovation projects also are under construction.

The state recently began work on a major \$40 million downtown library and museum. I thank Senator William Faust for spearheading the effort to make this building a reality. Governor James Blanchard, Senator William Sederburg, and other area representatives also have been helpful in this and numerous other projects to assist the Capitol area. I thank them for their assistance. I especially am pleased that this has been a bi-partisan effort.

I believe it is safe to say that our downtown is on the rebound. It may never again be a retail shopping center; however, it has become a center—an important center—for government, law, finance, education, culture and tourism, other professions, and retail business. In terms of economic development, new jobs, and an expanded tax base, the downtown is very important.

Regarding our downtown, I commend our local media, particularly the Lansing State Journal, for keeping downtown issues and opportunities in public view. This has been very helpful as we have moved forward.

OTHER COMMUNITY ECONOMIC DEVELOPMENTS: The downtown is not the only place where things are happening. Much is being accomplished in other parts of our City and region also.

As examples of major new projects, I point to the new Motor Wheel headquarters and research facility, the Michigan Biotechnology Institute, the Capital City Airport Super Flight Station, the Hannah Technology and Research Center, a major retail center at South Cedar and Edgewood, the expansion of Snell Environmental Group laboratories, relocation of the Neogen Corporation to improved facilities, and financing for expansion of Inter State Foods.

During 1985 we also established a Regional Economic Development Team made up of City, County, and other local governmental staffers. This "RED" team is working to better market the metropolitan area as a good place to do business.

Additional Priorities

Although I have emphasized three priorities in this message, I do want to mention four others.

PRIORITY: HUMAN SERVICES: President Franklin D. Roosevelt said, "Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of our own indifference."

I am proud of the compassionate ways that Lansing people continue to respond to the needs—and the needs remain real—of our less fortunate citizens. Many have displayed a true spirit of Judeo-Christian compassion and love. I point to United Way and the Food Bank as only two examples.

Let us re-commit ourselves to being representatives who care about the needs of all our people.

PRIORITY: RECREATION AND CULTURE: Lansing has long been a state leader in cultural and recreational activities. In the past several years especially, we have developed numerous cultural programs in our downtown, along our riverfront, and in our neighborhoods.

I especially am proud of the improvements that are

taking place at Potter Park Zoo. These are largely the work of the Friends of the Zoo Society. Several professional non-profit agencies are making a strong contribution to our downtown. These include Impression 5 Museum, Boarshead Theater, Lansing Art Gallery, and R. E. Olds Museum. I am optimistic that two new groups, the Lansing-North Lansing Electric Railroad Museum and The Riverwalk Theater which will be the new home for Community Circle Players, will soon be active along the riverwalk area. Finally, I don't want to forget our many neighborhood cultural activities. These are extremely important to our residents.

PRIORITY: PERSONNEL IMPROVEMENTS: Over the past four years I have worked closely with staff and with citizen groups to improve the City's commitment to affirmative action. I have involved myself personally in our hiring and promotion activities. As a result of this work we are making City government a genuine equal opportunity employer.

As one small example of our success in this area, I mention our recent hiring in regard to minorities. Between January 1 and October 31, 1985, we employed 82 new full time regular employees. Twenty-four of them, nearly a third, were minorities. Twenty-five are women. I pledge that improved personnel practices will continue to be a priority of my administration.

PRIORITY: THE LOWEST POSSIBLE TAX RATE: I have stated often that we must maintain a low tax rate. I will discuss taxes as part of the following section.

FINANCIAL CONDITION OF THE CITY

Our City Charter requires that I include a discussion of the City's financial condition as part of my message.

Over the past two years we have experienced improvements in our economy. Locally, this primarily has been due to a resurgence of Oldsmobile and our General Motors auto industry.

As a result, our income tax collections have improved. Our Finance Director, James Dowsett, estimates that income tax revenues will increase eleven percent (11%) to \$18.8 million. This represents a third of our total general fund revenues.

We also anticipate increases in sales and business taxes. In total we expect our local revenues to increase by \$3.3 million, or about six percent. Coincidentally the cost of City services is estimated to be rising by at least \$3.3 million, and more when you add special projects such as Edgewood Boulevard.

Our Finance staff predicts continued local economic growth through at least 1986. However, not all our revenue news is good. It is almost certain that Federal Revenue Sharing will be concluded in 1986. This will amount to a reduction of up to \$2.8 million. We may face initial cuts in our current fiscal year.

Other Federal, agencies also are shifting responsibilities to local government. As examples, we expect additional reductions in Urban Development Action Grants and Community Development Block Grants. We also expect Federally-mandated limits on our bonding capacity.

We understand that President Ronald Reagan and our representatives in the Congress face a tough task. On the one hand they are working to reduce a large

Federal deficit that the Federal Government has created over a period of many years. And, on the other, they are working to create a more simple and equitable tax system.

But it is imperative that the Federal process be accomplished in a way that is least disruptive of our cities and other local governments. As you know, I recently testified before a Congressional subcommittee on this issue and am working closely with Congressman Howard Wolpe. I shall continue to do so.

It is my hope—and I know it is yours also—that our President and Congress will be able to reduce the deficit and improve our tax code. This will assist us to continued prosperity. It also will improve opportunities for all Americans.

At the same time, however, we must begin to copy with the likely reductions in Federal revenue. At the risk of repeating myself, I make three suggestions that will assist us.

—First, as I have said several times this evening, we must work to expand and diversify our economy. We need more jobs for Lansing residents.

—Second, and I have said this before, we must continue to upgrade our neighborhoods and existing commercial areas. One effect of improved neighborhoods and commercial areas is a stronger tax base.

—Finally, we must work together in 1986 to face up to a set of tough decisions. Over the past several years we have made reductions in our service and personnel levels. We have had to do this for three reasons: our tax revenues have increased at a rate less than inflation; our labor costs have risen at a rate greater than inflation; and some costs, including fringe benefits and insurance, have risen dramatically. By agreeing to reductions, we dropped the spending curve below the revenue curve these past four years. For the first time in several years, we have been living within our means. At the same time, we have not been able to build up surpluses to compensate for severe cutbacks in federal funds.

Given our current situation we face two options: we can make further cuts in our service, or we can raise the level of our property taxation. This represents a difficult decision for us.

Over the next several weeks I will be considering my 1986/87 Budget Message. I welcome your input as I deliberate this issue. One thing is very important: that we reach a consensus regarding our 1986/87 tax rate. Let us work to refrain from dividing our constituents over this issue.

I summarize Lansing's financial condition by saying three things: Our economy currently is healthy. This is offset by upcoming Federal revenue cuts. And we must squarely face the possibility of increasing local revenue if we are to improve essential services or even maintain them at current levels.

CONCLUSION

Calvin Coolidge once stated that, "Nothing is easier than spending public money. Because it does not appear to belong to anybody, the temptation is overwhelming to bestow it on somebody."

By way of conclusion this evening I reiterate my

conviction that Lansing must continue to resist a "tax-and-spend" philosophy. Let us always remember that when we leave tax money with people they are able to spend it on things of value: their own homes; their children's educations; and their retirement needs.

I also want to thank the people of Lansing for a successful 1985. I appreciate their vote of confidence in me last November. I especially appreciate their concern for the best possible City services.

I look forward to 1986 and to my second term as our constituents' representative in the Office of the Mayor. We have enormous challenges before us. But we also have tremendous opportunities.

If we work together, we will continue to strengthen our City and region.

Respectfully submitted,

TERRY J. MCKANE,
Mayor.

LANSING CITY GOVERNMENT ACTIVITIES IN 1985

Terry J. McKane, Mayor of Lansing

During 1985 our Lansing government continued and initiated many activities to assist the people of our community and region. Following—organized by agency and department—is a summary of those activities.

OFFICES OF ELECTED OFFICIALS

Office of the Mayor

During 1985 my office continued to provide liaison and policy recommendations to Councilmembers; administrative supervision and direction to our city departments; and communication with the public and with neighborhood and other important groups.

In 1985 I hired a new Executive Assistant, Cleophus Boyd, Jr. He assisted me in all my responsibilities—particularly in coordination with our department directors. I have assigned him additional duties with a number of our ongoing economic development efforts. Tom Wilbur, my Special Assistant, continued to work part-time (while recovering from an auto accident) with intergovernmental, community, and other relations. He also continued to write and edit much material from my office.

My Citizen Referral Specialist, Pamala Fowler, coordinated approximately 2,000 citizen concerns in 1985—everything from simple requests for information to serious problems that could be solved only by our departments. A part-time Public Affairs Specialist, JoEllen Flaherty, coordinated my work with the Lansing Neighborhood Council and with other groups. This reflected my ongoing concern with neighborhood improvement. My secretarial staff—Executive Secretary Rosemarie Kazenko and Secretary Lois Bennett and Kecia Coats (who works half-time while attending LCC) assisted with meeting the public and various projects. Citizen volunteers, such as Floyd Wright, Ann Drake, and Hilary Kloechnner also assisted the City on several occasions through my office.

Following is discussion of activities in agencies under direct jurisdiction of my office.

HUMAN RELATIONS: The Department undertook numerous activities in 1985 including an annual dinner of the Human Relations Advisory Board and a fourth annual commemoration of the birthday of Martin Luther King, Jr.

The department also helped resolve some 200 complaints and referrals; assisted to adopt a revised affirmative action plan; held an affirmative action workshop for City administrators; analyzed hiring, promotion, and transfer policies; monitored some seventy construction projects to insure compliance with affirmative action labor standards; and surveyed City staff to comply with the Federal Rehabilitation Act. This Act requires adjustments in City policies so that handicappers can have equal opportunities.

On May 15, a new sexual harassment policy and complaint procedure was adopted. Workshops were—and continue to be—conducted with City staff. A Telecommunications Device for the Deaf (TDD) was installed in the department in 1984 and has received much use. The Department continued to receive complaints regarding alleged discrimination—in 1985 some 1,000 allegations were resolved by the “Rapid Charge” process. Written complaints increased to twenty-one (from eight in 1984). Finally, the Department continued to work closely with the Michigan Civil Rights Commission to assist equal opportunities for all.

Richard D. Letts has directed Human Relations since July 1, 1965.

CIVIC CENTER: Civic Center bookings increased in 1985. The revenue was up approximately \$65,000 or 13 percent. Most of this increase was due to the addition of new recreation vehicle and food shows.

Darrell C. Askie currently serves as Interim Civic Center Manager.

OFFICE OF EMERGENCY SERVICES: During 1985 the Office reviewed and updated emergency plans and procedures in compliance with Federal regulations. In addition, various levels of command post operations were conducted in response to one major ice storm; seventeen days of flood watches or warnings; six major fires; and fifteen severe weather watches or warnings.

Recently Lansing’s emergency management capabilities were compared with standards developed by the Federal Emergency Management Agency. This resulted in a composite capability index of 96. This is considerably above the national median index.

James A. Holcomb became the first Civil Defense Director on August 1, 1963. In 1977 his title was changed to Director of Emergency Services.

Office of the City Clerk

The City Clerk is an elected administrative office in Lansing City government. In 1985 her office issued approximately 635 licenses (for gasoline pumps, heating and air conditioning, mechanical devices, rubbish haulers, public drivers, etc.). Staff also processed 7,000 birth certificates and 1,950 death certificates.

The Office conducted three elections in 1985—a school and community college millage election; and

LCC Board of Trustees election; and a City general election for Mayor, Councilmembers, Clerk, and School Board. Some 6,000 persons registered to vote. A new election law requires barrier-free polling places by 1986. All but nine in Lansing currently are barrier-free—and these are being worked on now.

The Office also assisted with City Council meetings and keep minutes of all Council proceedings. The Office has on file all legal documents, leases, and contracts which are vital to the City.

Rita M. Bauman became City Clerk on January 1, 1982. She was re-elected to a second term in November, 1985.

Office of the City Council

Enforcement of housing and neighborhood standards continued as the Council’s top priority during 1985. Many property owners learned through experience that the City will not tolerate unsafe buildings. The Council worked on economic development issues in order to spur new investment and re-investment. The Council also improved and expanded its relationships with other governments and agencies. Productive meetings were held with representatives of the Lansing Board of Education, the Board of Water and Light, the Ingham County Board of Commissioners, and the Capital Area Transportation Authority.

The General Services Committee completed a review of the City Code of Ordinances as a first step toward re-codification. The current Code has not been comprehensively reviewed and re-written since 1958. The Committee also mobilized other Council committees, the Clerk’s office, the City Attorney’s office, and most administrative departments to cooperate with the re-codification project. More than a year of additional work remains to be done before the new City Code is completed.

The Council Chambers were improved. The sound system and Cable Channel 28 production facilities were both upgraded with “state of the art” equipment. Continental Cablevision fulfilled its franchise commitments by installing new audio and video equipment. As a result, the City’s video production facilities have been expanded. Several departments are working with staff to develop new public information programs.

Lucile E. Belen completed her 30th year of elected public service as a Councilmember in 1985. Other Councilmembers (and their length of service) are: Louis F. Adado (14 years); James D. Blair (12 years); Sidney P. Worthington (6 years); Patrick E. Lindemann (6 years); Alfreda Schmidt (4 years); Charles M. Creamer (4 years); and Antonio “Tony” Benavides (4 years).

PUBLIC PROTECTION AND SAFETY

Fire Department

The Department responded to 4,109 fire alarms in 1985. Also, 58 Paramedics and Emergency Medical Technicians provided care at 7,724 incidents. The Department has three ambulances in service at all times.

More than 2,000 homes were visited in 1985 as part

of the Department's ongoing fire prevention efforts. More than forty smoke detectors were given to residents. Several welcome donations were made to the Department in order to replenish the supply of smoke detectors that are given.

Department personnel received 573 hours of technical training in 1985. This increased skills which, in turn, will provide more effective responses to different types of emergency situations. Courses included: Disaster Control; Hazardous Materials—Loss and Disaster Prevention; Training for 2.2 Scott Paks (for the new Aerial Platform #9); Grand Trunk Railroad Hazardous Materials Incidents; and training for the new Electric K-12 Saw. Staff also were trained to operate two new engines.

Ten Firefighters have applied to the National Fire Academy. This school offers a wide range of courses helpful in responding to emergencies.

Ten awards for Appreciation of Service and six Meritorious Awards for Life Saving incidents were given to Firefighters and other staff in 1985.

Mark R. Holliday has served as Fire Chief since February 2, 1982.

Police Department

UNIFORM DIVISION: Between January 1 and September 30 the Division responded to 69,600 calls for service—an increase of 5,700 calls for the same 1984 time period.

A crime Suppression Unit was developed to be utilized in winter. This Unit employs motorcycle officers. They are assigned to patrol "high crime" and "developing crime" areas (as identified by the Crime Analysis Unit). A study of the Detention Unit was made. Work is being done to re-design the work area and to better automate some procedures.

INVESTIGATIONS DIVISION: A Youth Squad was developed in 1985. It includes a sergeant and five detectives. The squad works on crimes committed against youth and on crimes in which a juvenile may be involved.

Between January 1 and September 30, the Division assigned 5,356 causes for follow-up investigation—the largest number in the past ten years. As a result, the total number of cases closed was 4,607—also the largest number in ten years.

CRIMINAL INTELLIGENCE OPERATIONS: Sex related cases have been a priority for this unit. In 1985, 270 persons were arrested for pandering, soliciting, gross indecency, admitting for prostitution, or accepting the earnings of a prostitute.

The Metro Narcotics Unit developed 94 cases involving the delivery of cocaine, morphine, heroin, L.S.D., P.C.P., or marijuana. The "street value" of all drugs seized was estimated to be \$145,231. The investigation of narcotic-related offenses will be priority again in 1986.

The Crime Analysis Unit was transferred to Criminal Intelligence Operations in order to increase efficiency. This unit provides analysis regarding parts of the City that have developing crime problems. It also provides reports on persons who are involved in criminal activity.

OPERATIONS SUPPORT DIVISION: The Neighborhood Watch Program as continued to grow. It now includes 137 groups serving some 13,500 households.

The Crime Scene Investigators processed more than 400 scenes. This was a 16 per cent increase over 1984. In the area of data processing, work was done on the automation of Uniform Crime Reports and the generation of daily summary reports.

ADMINISTRATIVE SUPPORT DIVISION: During 1985 the Administrative Services Bureau was streamlined. The Crime Analysis Unit was transferred to Criminal Intelligence and a sergeant position was transferred to the Patrol Bureau. A civilian Budget Control Supervisor was hired to assume the sergeant's responsibilities. The responsibility of departmental procedures was transferred to the Personnel and Training Bureau.

The Personnel and Training Bureau continues to recruit, select, and train personnel for the Department.

Richard A. Gleason has served as Chief of Police since March 14, 1976.

DEPARTMENTS SERVING THE PUBLIC

Following is description of the 1985 activities of our four large departments that directly (or through contracts with non-profit agencies) serve the people of Lansing.

Human Resources Department

During FY85-86 the Department contracted more than \$815,000 in City general funds and State "Equity" funds for human services, arts/cultural and other agencies. During 1985 the City's human services agencies made nearly 200,000 people contacts. This was done with the aid of 32 City contracts as well as six arts/cultural min-grants to small agencies.

Contractual services provided included emergency food, shelter, clothing, furniture, and energy aid; rent escrow guarantees; substance abuse counseling; health and mental health services; elderly services such as homebound meals; delinquency prevention and diversion; ex-offenders rehabilitation; handicapper services, child care scholarships, recreation and cultural programs; safety programs; convention promotion; rail service; and employment assistance.

The Department and Food Bank coordinated emergency grants for food, shelter, and energy. Agencies included the YMCA, Volunteers of America, Loaves and Fishes, Salvation Army, St. Vincent de Paul Society, Cristo Rey, Red Cross, Council Against Domestic Assault, Housing Assistance Foundation, Community Services and Referral Center, and Economic Crisis Center.

The Department was involved in various studies or assisting activities. As examples, staff helped coordinate substance abuse programs with service providers and the Lansing School District; served with the Ingham County Health Department to establish a diagnostic conference on teen pregnancy; coordinated grants and services pertaining to food, clothing, and shelter; helped the Planning Division and others to create the Lansing Energy Action Network; helped a

City Hall United Nations display; put on a first annual volunteer recognition dinner; and organized task forces to address youth problems and to analyze prostitution-related problems.

Jacqueline Warr has served as Human Services Director since July 1, 1975.

Parks and Recreation Department

FORESTRY OPERATIONS: A major ice storm took place on New Year's weekend, 1985. Emergency work to clear streets, utility lines, and sidewalks took eight weeks. City crews—from the Department and from Public Service—removed branches throughout the City. Forestry crews continued storm-related trimming through the rest of the year.

In 1984 the Department re-organized its plan for street tree replanting. The plan plants all trees on a street at one time—no matter when the old ones were removed (formerly the policy was to re-plant on a first-out/first-in basis). Some 600 trees were replanted in 1985. It is planned that 1,000 more will be planted in 1986. Additional trees were planted in the City by the State, County, and other agencies.

CEMETERY SERVICES: Improvements included introduction of new foundations for grave markers. These have reduced damage and eased the trimming of tall grass. The Department also discontinued setting chairs and tents at gravesites. This allows funeral directors to be responsible for this service.

These efforts have allowed City crews to concentrate on the preparation of graves and to allow more time for cemetery beautification. These benefits were on display this past Memorial Day when we recalled those who helped to save our nation.

PARK PATROL: During 1984-85, Council funded the use of horse-mounted officers to provide increased security in our parks. After a season of work, the Department—and Council's Internal Audit staff—have recommended that this work be staffed by full-time officers. This is necessary to develop good relations between horse and officer. The horse-mounted unit is showing promise of helping to curb vandalism in isolated park areas that are hard to patrol by car.

GOLF OPERATIONS: The 1985 golf season was an outstanding one in terms of rounds played on City courses. Although City rates are lower than nearby private rates, green fees covered golf expenses. It should be noted that our City golf courses are relatively old. Major improvements need to be made soon to maintain high quality.

Douglas P. Finely has served as Parks and Recreation Director since December, 1976.

Planning and Municipal Development Department

Significant 1985 accomplishments included completion of the Code Enforcement Task Force report. Several of its recommendations were adopted including consolidation of housing and zoning inspectors into a Code Compliance Unit. Also completed was the Edgewood Boulevard right-of-way issue and master plan studies for Cherry Hill, Green Oak, and River Island. Finally, convention-exhibition center construction was initiated.

BUILDING SAFETY DIVISION: The Division issued 5,761 permits in FY 1985 including 1,563 building permits with a total value of more than \$45 million. This was an 8.7 per cent increase over FY84. Permit fees brought in \$566,990—a 22 per cent increase. Field inspections for the permits totaled 17,975 which was an increase of 2,300.

Housing code compliance staff made 6,000 housing and 444 multiple dwelling inspections. They issued 2,072 grass and weed and 1,827 trash violations. Staff made 2,875 zoning inspections. Front yard parking violators received 225 warnings and 281 tickets.

The Sealer of Weights and Measures checked some 1,000 motor fuel pump devices and 12,550 pre-packaged items for content weight accuracy.

DEVELOPMENT DIVISION: Staff implemented the City's Community Development Block Program. Direct assistance including rehabilitation loans, weatherization, or other housing help was given to 370 housing unit owners. Thirteen substandard units (most of them located on Neller Court) were acquired and demolished. Also ten vacant lots were sold to adjoining property owners in the neighborhood development areas.

Finally, the Community Development Program provided some \$2.4 million in administrative funds for Community Development Block Grants, homesteading funds, rehabilitation funds, and weatherization funds.

PLANNING DIVISION: As mentioned, staff completed master plan amendments to the Cherry Hill, Green Oaks, and River Island neighborhoods. They also completed recommendations for the Code Compliance Task Force; assisted on the pending removal of an injunction against Edgewood Boulevard routing; did environmental testing for an access road to the Friedland facility; processed some 100 rezoning and appeal requests; conducted 40 Act 285 reviews; and processed twelve subdivision plats.

Alan E. Tubbs has served as Director of Planning and Municipal Development since January 1, 1983.

Public Service Department

OPERATIONS AND MAINTENANCE DIVISION: IN 1985 a television-grouting sewer inspection van was purchased. It enables staff to inspect City sewers—which will mean fewer backups. It also will mean fewer sewer failures.

Snow removal operations were analyzed with a Value Management Process. The goal is to reduce the time required to remove street snow after a six-inch snowfall. Also improved: snow removal from alleys and cul-de sacs.

Lansing's refuse collection continues to be effective. An Austin study of 113 cities showed ours to have the fourth lowest cost-per-resident.

The Service Garage made 29 per cent more vehicle repairs in 1985 than in 1984. Also increased were preventive maintenance repairs—which were up 21 per cent. The result: better response by Department field crews.

WASTEWATER DIVISION: During 1985 the sewage collection system sent nine billion gallons to the wastewater treatment plant. It all got preliminary

and primary treatment and 8.4 billion gallons also got secondary and tertiary treatment. This produced 55 million gallons of sludge which was treated. Some 6,000 tons of dewatered sludge was landfilled or incinerated. The plant had only one non-compliance with its federal permit and the effluence was in compliance more than 99 per cent of the time.

Much progress was continued on the Federal 201 plan during the year. When completed, this major project will expand and remodel the City's sewage plant and pumping stations.

The Industrial Pretreatment Program was approved by the Michigan Department of Natural Resources in April. It was implemented in July.

ENGINEERING DIVISION: The Division worked with the Michigan Department of Transportation for Federal funds for reconstruction of the Michigan Avenue bridge over Museum Drive and the Shiawassee Street bridge.

Also: Road and sewer construction specifications were revised and work continued to manage utility pavement cuts; computer software was developed; street and sewer complaints were analyzed; and a weekly video report of construction activities and brochures and ads were prepared.

Finally, several road resurfacing projects were completed. These included portions of Kalamazoo Street, Grand Avenue, and Turner Street.

TRANSPORTATION DIVISION: During 1985 the Division continued to study downtown one-way streets; participated in the Eastside Transportation Study; assisted with relocation of CATA bus staging area, completed numerous traffic studies; and installed 106 downtown Christmas banners.

A traffic circulation report regarding downtown mall opening was completed. After citizen board review and Mayoral recommendation, the Council moved to open three blocks south of Michigan Avenue. The blocks will be open after 6 PM and on weekends.

Detour routes were designed for many street closures in 1985. In addition, new traffic signals were installed at Aurelius/Cavanaugh, Mount Hope/Pleasant Grove, Pennsylvania/Healthcare Court, and Logan/Cavanaugh-Mary. Three signals along Logan were better coordinated and a new right turn green arrow was installed at Mount Hope/Logan. The Sparrow Hospital crosswalk was relocated and numerous studies were conducted regarding requests for adult crossing guards.

Some 40 new parking spaces were created (however 280 spaces are out of service because of downtown construction). Three major parking projects are under construction: a North Grand Garage expansion (640 new spaces); a Convention-Exhibition Center expansion (485 spaces) and the pedway project (which will not add spaces but will make some more convenient).

Major preventive repairs were done to parking lots 2, 6, 7, and 38. All but one City lot have now been resurfaced or repaired in the past four years. Ongoing upkeep of our parking garages was continued.

A new computerized parking ticket program continues to be implemented. When complete the system will provide faster fine collection, better response to

complaints, and better accounting of enforcement and ticket collection. Parking enforcement was improved with adoption of a new Towing Ordinance. It is being used in areas of high complaints.

During 1985 a new variable parking fine structure went into effect. This allows for reduced fines for prompt payment of meter violations; creates graduated fines for more severe violations; and increases to two (from one) the number of reminder notices sent to violators.

Howard G. McCaffery has served as Director of Public Service since January 1, 1980.

STAFF DEPARTMENTS

The following Departments often interact with the public. However, their prime responsibility is to provide supportive staff services.

Administrative Services Department

During 1985 the Department continued to reduce administrative and support costs and to increase efficiency. Examples: installation of energy conservation measures by Time Energy Systems (a shared savings agreement which saved an estimated \$6,200 in 1985) and the return of fourteen City-owned properties to private persons (and the tax rolls).

Central Garage staff assisted the Fire Department to specify more effective equipment including a new platform truck and two new engines. A ladder truck also was refurbished and a squad truck was converted to a manpower unit to better meet Fire Department needs.

The Burroughs computer continued to provide excellent service and was available 99 per cent of the time. It afforded fourteen user hours for each single hour of operation. Sixty-three requests to update existing programs were completed and the new parking ticket system was put into operation. Nine IBM microcomputers were installed in various locations—providing new capabilities to financial management, public services, and other areas.

The Operational Services Division put the new records center for document storage into operation. More than 5,400,000 copies were made in 1985; more than 740,000 pieces of outside mail were posted; and more than 70,000 pieces of inter-office mail were distributed.

David Purvis has served as Administrative Services Director since February 5, 1979.

Finance Department

In 1985 the Department increasingly used computers as financial forecasting and reporting tools. Initial applications were made in the accounting, budget, and assessor offices. Staff plans additional use in coming years.

Risk management also required special attention. Most cities are squeezed because of rising liability insurance costs—thus, many are forced into self insurance. Efforts are being made to address this problem through legislative changes.

The Treasurer and Income Tax Division continue to emphasize the audit and enforcement of the City in-

come tax ordinance. Staff is working with employers regarding tax withholding requirements. This assures a high degree of tax compliance.

The Budget Division received the Government Finance Officers Association's "Distinguished Budget Presentation" award. This makes Lansing the first city in the nation to get the award for three years.

The Accounting Division again received the Association's "Certificate of Conformance" award. This reflects excellence in financial reporting and was the seventh year the award was given to Lansing. The Assessor's Office maintained a 1.0 equalization factor on property assessments. This reflects staff's continued emphasis on uniformity and equity in assessment practice.

The Retirement Boards recently completed purchase of additional investment management services. The Boards continue to work with the Finance Director to review investment policy, maximize investment return, and otherwise make provision for an increasing number of retirees.

James W. Dowsett has served as Finance Department Director since November 11, 1971.

Labor Department

Since 1982, the Department has worked to define and direct the City's relationships with its organized employee groups. During 1985 the Department attended to the termination dates of its various contracts. By staggering dates so that the contracts terminate at different times, more attention can be given to each.

Douglas DeFrain has served as Director of Labor Relations since 1982.

Law Department

During 1985 the Department continued rigorous prosecution of ordinance violations—particularly in the areas of solicitation, prostitution, and building code enforcement. Special attention was successfully focused to improve several targeted neighborhoods.

In the Civil area, 1985 saw increased legal work in economic development. The Department was active in support of the downtown hotel, exhibition hall, and other projects. The Department also assisted in reviewing and re-writing the City Code, representing the City in labor arbitrations and legal suits, and in seeking forfeitures of narcotics-related monies.

Stephen R. Sawyer has served as City Attorney since June, 1978.

Personnel and Training Department

During 1985 fifteen procedures and several forms were developed and distributed to the departments. These will insure fair and consistent application to the rules and fringe benefits of employees.

The Department was involved in maintaining and updating the classification plan. A benchmark audit was completed showing our plan is sound. The Job Content Committee met to review 59 reclassification requests. Also, eight new and/or vacant positions were evaluated. Planning and Municipal Development Department study was completed.

Recruitment continued to insure a pool of applicants that includes all protected groups. These efforts have resulted in affirmative action improvements.

Employee recognition activities were expanded and a first clerical/secretary day was held; opportunities were provided for staff training programs; and an annual benefits program was started so employees would better know what fringe benefits are available. Finally, staff was involved in coordination of records, benefits, and routine activities—all generated by a workforce of some 1,300 persons.

Karen M. Jackson has served as Director of Personnel and Training since October 3, 1983.

Purchasing Department

Internal audit figures indicate the Department processed \$57 million in project dollar volume in 1985. This compares with a volume of \$11 million in 1983. This represents an increase of more than 500 per cent in two years. The Department assisted other departments with more than 200 bids; 50 professional services qualifications projects and proposals; and processed 17,866 purchase orders, requisitions, and partial orders.

Major projects included the downtown Convention-Exhibition Facility, the multi-million dollar wastewater treatment improvements, and the "Approach to the Capitol" project.

Vaughan L. McKinch has served as Purchasing Director since December 23, 1969.

OTHER CITY AGENCIES

Following are reports of three City-related agencies. Although I appoint citizens to these agency's boards, they operate independently.

Board of Water and Light

On New Year's eve, an ice storm moved through Michigan knocking out power to more than 400,000 homes and businesses. This included 20,000 of the Board's electricity customers. Line crews responded to the challenge by working 20-hour shifts and restored all service within five days.

Effective March 7th the Board of Commissioners approved a 14 per cent overall water rate increase—the first in two-and-a-half years. This was necessary to comply with the Board's policy that its utilities be self sufficient. The new rate also helped to equalize water rates between City and suburban customers.

The Board of Water and Light celebrated its 100th anniversary as a municipal utility on February 16th. It was marked by the lighting of 100 16-foot candles on the Ottawa Street Station. Throughout 1985, the Board invited customer-owners to tour their facilities—and nearly 6,000 did so.

As the Board of Water and Light begins its second century, the utility is in good shape. Rates are competitive. A 1985 fifteen-city Michigan study showed our residential, commercial, and industrial rates are the lowest available. A national survey compared residential rates of thirty of our largest cities. Only three had rates lower than Lansing's.

Joseph Pandey was appointed Board of Water and Light General Manager on January 2, 1985. He replaced Earl F. Brush who retired after twelve years.

Economic Development Corporation

After 17 years of efforts, the 100 block project was finalized. Now under construction, it includes a \$19 million Radisson hotel, a \$15 million convention-exhibition center, and a 650-car parking garage expansion.

Also completed or nearly completed: Financing and construction for the Atrium Office Building (formerly the Michigan Theater); financing for renovation and expansion of Inter State Foods; financing for a new office building for the Accident Fund of Michigan; financing and construction for a large retail center at South Cedar and Edgewood Boulevard; expansion of Snell Environmental Group laboratories; relocation of Neogen Corporation to the old Oak Park School; and construction of a super-flight station at Capital City Airport (with an increase in highly technical employment).

City leaders worked hard to land the Michigan Biotechnology Institute. Its financing was completed, and a \$17 million building, on Collins Road, will be completed in 1987. It will be a major Midwest science center.

The City, through an Urban Development Action Grant, assisted Meridian Township to create the Hannah Technology and Research Center on Hagadorn Road. Lansing residents will receive 60 percent of the project's jobs.

Emerson B. Ohl has served as Economic Development Corporation Executive Director since March 14, 1979.

Lansing Housing Commission

The Commission marked its 20th year by adding 79 rental housing units for low-income families. The \$3.2 million project provided 140 construction-related jobs with minorities making up 28 per cent of the workforce. Included were four barrier-free units which will help meet housing needs of handicapped families.

Our Section 8 Existing Program has increased to 191 units from 96 in 1984. Through this program, low-income families secure privately-owned rental housing and landlords receive direct subsidies from the Commission.

The Commission's Human Services branch continued to provide programs in education, recreation, and referral for families and seniors. Our foot and medical clinics, offered to seniors at Oliver Tower and South Washington Park, have received national attention.

Walter Norris, Jr. has served as Commission Executive Director since October 29, 1979.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY

OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

George Cutler, representing the Lansing-North Lansing Electric Railroad Museum, spoke on communication #4.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—Bryne Martin Daly III, Darnell Thomas Dudley

Beer and Wine Carry-out—Eric's Market, 828 N. Pennsylvania.

Referred to the Committee on General Services.

Michigan Liquor Control Commission submits copy of letter for denial of a new full year "B" Hotel license for One Michigan Avenue Associates at the 100 Block.

Referred to the Committee on General Services.

Donald A. Krepps, 2405 Alpha Street, submits letter protesting rate increase for CATA buses.

Referred to the C.A.T.A. Board.

Lansing-North Lansing Electric Railroad Museum requests consideration of proposed re-location of the Michigan Avenue "Gates Man Tower".

Referred to the Mayor.

Ramiro M. Gonzales requests resolution for observing Feb. 2-8, 1986 as Chicano History Week in Michigan.

Resolution to be suspended for at end of agenda.

Jeffrey N. Evans, District Manager for Ashland Chemical Co., submits request for meeting with City Council Public Safety and Properties Committee concerning chemical emergency response program to be initiated.

Referred to the Committee on Public Safety and Properties.

Robert W. Lundy, Michigan Organization for Human Rights, submits letter regarding proposed Housing Ordinance.

Referred to the Committee on General Services.

Michigan Department of Natural Resources submits copies of letters sent to U.S. Army Corps of Engineers re:

- a. Treatment Works Grant Project No. C262705-03
- b. Treatment Works Grant No. C262705-04

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 2a (Appointment of Robert Forgrave and Kevin Kevitch as Temporary Directors—RSI Wholesale EDC project); 2b (Reappointment of Kathryn Haar—Downtown Mall Advisory Board); 2c (Board of Police Commissioners Resignation—Leonard McConnell); 2e (Father John's Funds, Inc.—Request for fund raiser sign); 2f (Withdrawal of offer to donate land—Francis Fine); 2g (1985 Comprehensive Annual Financial Report).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—Byrne Martin Daly II, Darnell Thomas Dudley,

Beer and Wine carry-out—Eric's Market, 838 N. Pennsylvania.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

BY COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

To whom was referred the Mayor's report on the installation of YIELD signs at Chatham Road and Loraine Avenue reports as follows:

The Transportation Division, Traffic Board and Mayor recommend the request for YIELD Signs at Chatham Road and Loraine Avenue be DENIED.

Signed

JAMES BLAIR
LOUIS ADADO
TONY BENAVIDES
Committee on Public Safety and
Properties

By COUNCILMAN BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON WAYS AND MEANS—

To whom was referred the proposed transfer of funds in the amount of \$1,125 to allow a classification study of all Council Staff, and Internal Audit positions by the City's personnel consultant reports as follows:

The transfer of funds appears later in this meetings'

agenda for Council consideration, but the Committee was not convinced of the need for such study at this time. Without a more persuasive argument that both the study and the immediacy are necessary, the Committee recommends denial of the transfer of funds.

Signed:

PAT LINDEMANN
JAMES BLAIR
Committee on Ways and Means

By COUNCILMAN LINDEMANN—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

January 23, 1986

President Benavides and
Members of the Lansing City Council

Re: Claim of Sidney Green in the amount of
\$200.00

Dear President Benavides and
Members of the Lansing City Council:

On November 4, 1985 Sidney Green submitted a claim in the amount of \$200.00 which represents the insurance deductible for damage to his 1979 Lincoln Mark V. Claimant states that on April 24, 1985 he hit a depression where some work was being done on North Turner which cracked the windshield of his vehicle. Claimant states that he hit a hole 4 or five inches deep and 5 feet wide. Claimant states that road construction work was being performed but someone had moved the road construction barricade to the side of the street.

The City Engineer indicates that there were not any road construction related complaints received on April 24, 1985. In addition, there was not any City related construction being performed on North Turner in April, 1985. There was a pothole complaint received on April 23, 1985 at 1:37 p.m. with repair of the pothole made on that same day.

Although the City is liable for defects in its streets if it knew or should have known of the defect and had time to correct it, in this case the condition which the Claimant alleges existed and caused his damage was not created by the City nor did the City know of it. Therefore, the City is immune from liability for the damage.

Therefore, based upon the above information it is the recommendation of this office that this claim be denied.

Respectfully,

STEPHEN R. SAWYER
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

January 23, 1986

President Benavides and
Members of the Lansing City Council

Re: Claim of May Belle Diane in the amount of
\$5,200.00

Dear President Benavides and
Members of the Lansing City Council:

On December 4, 1985, May Belle Diane, 413 South Clemens, Lansing filed a claim for damage to her basement. She alleges that the damage was caused by new sewer construction on Clemens Street on November 9, 1985. Claimant is requesting \$5,200.00 for "clean-up and personal damages." Ms. Diane states in her claim that the water entered her hot water heater which caused the pilot to extinguish. She also states that if she went down into her basement the water "got up over her shoes." According to her claim, the basement has been in this condition since November 9, 1985.

Investigation by the Public Service Department confirmed that sewer construction was in progress on Clemens Street at that time. The City had contracted with Richard Mancini Construction Company, 42866 Merrill Road, Sterling Heights, MI 48078 to perform that work.

As the Mancini Construction Company is primarily responsible for damages which may have been caused by its activity, this office has referred this claim to them for resolution. Therefore, no action need be taken with regard to this matter at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no action need be taken with regard to this claim at this time.

Carried.

January 23, 1986

President Benavides and
Members of the Lansing City Council

Re: Claim of Lois E. M. Castle in the amount of
\$1,275.00.

Dear President Benavides and
Members of the Lansing City Council:

On October 28, 1985, Lois E. M. Castle, 919 Westin, Lansing, Michigan, filed a claim in the amount of \$1,275.00 for the damage to her automobile, a 1977 Corvette. Claimant stated in her letter of October 22, 1985, that on October 3, 1985, at 8:50 p.m., she turned off Vine Street onto Clippert Street, proceeded North on Clippert and drove over a manhole which was unmarked and which was higher than the street level. The exhaust system was completely removed at the engine and numerous other items were also damaged on the vehicle frame.

The Public Service Department investigated this claim and found that there were no complaints about Clippert Street on or immediately prior to October 3,

1985. Moreover, the City had contracted for a major resurfacing project at this time and location with Richard Mancini Construction Company, 42866 Merrill Road, Sterling Heights, Michigan. A copy of the claim has been forwarded to the contractor for its review and resolution.

Pending possible resolution of this claim by the contractor, it is the recommendation of this office that no further action should be taken at this time.

Respectfully submitted,

STEPHN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action should be taken at this time.

Carried.

Councilmember Creamer left the session.

January 9, 1986

President Charles Creamer and
Members of the Lansing City Council

Re: Claim of Eric G. Nutter in the amount of
\$671.00

Dear President Creamer and
Members of the Lansing City Council:

On September 16, 1985 Eric G. Nutter submitted a claim in the amount of \$671.00. Claimant states that as a result of the City records not being up to date the Sewer Service Company he hired to replace his sewer made an error in a road cut which had to be back filled and necessitated repairing his lawn.

Information received from the Public Service Department indicates that a subcontractor installed the main sewer line and wyes. The location of the sewer line and wyes are recorded on maps in the Public Service Department. At a later date when a home is actually built and the private sewer is installed and connected to the main sewer, the location of the private sewer and connection may vary from the location of the originally installed wye. In such cases, the building contractor who installed the private line should inform the public Service Department of the new location to enable it to be entered on Public Service Department records. In this case however, no such information was provided and the location of the private line's connection was not shown.

Because this problem occurs from time to time, most sewer contractors start excavation of private sewer lines at the house and follow the lead to the street, thereby avoiding error and extra expense.

In the instant case, Claimant's contractor did not follow the procedure. Because the actual location of the private line had not been reported to the City, the contractor's procedure resulted in error and extra expense.

Based upon the above facts, it is the opinion of this office that the primary cause of claimant's expense was the procedure used by the contractor and not the

negligence of the City. Additionally, even in the event of negligence by the City, the operation of a sewer system and maintenance of records pertinent to the system are governmental functions and the City is immune from liability for negligence in connection with such operations.

Based upon the facts it is the opinion of this office that this claim be denied based on the negligence of the contractor and governmental immunity.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Discussion held.

By COUNCILMEMBER BELEN—

I move to table this matter.

Lost by the following vote:

Yeas—Councilmember Belen, Benavides, Schmidt—3.

Nays—Councilmember Adado, Blair, Lindemann, Worthington—4.

By COUNCILMEMBER SCHMIDT:

I move that we call the question.

Lost by the following vote:

Yeas—Councilmember Belen, Benavides, Schmidt—3.

Nays—Councilmember Adado, Blair, Lindemann, Worthington—4.

More discussion was held:

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Adopted by the following vote:

Yeas—Councilmember Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—6.

Nays—Councilmember Adado—1.

January 23, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Jackie Knighten in the amount of
\$57.00+

Dear: President Benavides and
Members of Lansing City Council:

On November 15, 1985, Jackie Knighten submitted a claim in the amount of \$57.00 plus \$4.00 a day storage for each additional day her vehicle remains in storage. Claimant states that her vehicle was stolen on October 11, 1985 from her home. Claimant reported the theft. The next day, October 12th, claimant was

notified by the Lansing Police Department that her vehicle was recovered in Eaton Rapids, Michigan. Claimant contacted the towing company and was informed that there was a \$57.00 charge to pick up the vehicle. Claimant did not pay the \$57.00 and has allowed the vehicle to remain in storage to this date.

Lansing Police Department records confirm that claimant's vehicle was reported stolen on October 10, 1985. Claimant had left the key in the car on the left front floor. Claimant's vehicle was recovered on October 12, 1985 by the Eaton Rapids Police Department and impounded. Claimant was notified of the recovery by the Lansing Police Department and informed where the vehicle was located for pick-up.

The Police Department promptly responded to the stolen vehicle report by the claimant. The vehicle was promptly recovered by the Eaton Rapids Police Department and properly impounded. Eaton Rapids Police Department promptly notified the Lansing Police Department of the recovery. The Lansing Police Department in turn promptly notified the claimant of the recovery and location of her vehicle.

Based upon the above information it is the recommendation of this office that this claim be denied because the Lansing Police Department was not in any manner negligent with regard to the matter.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

January 23, 1986

President Benavides and
Members of the Lansing City Council

RE: Claim of James Amos for vehicle damage in the
amount of \$402.35

Dear President Benavides and
Members of the Lansing City Council:

On October 28, 1985, City Council received a claim from James Amos, for vehicle damage in the amount of \$402.35. Claimant states he was driving behind City Truck (#108) on Waverly Road on October 16, 1985, when a rock was thrown by the truck tire and cracked the windshield of his 1971 Thunderbird. The Claimant subsequently obtained two repair estimates, in the amount of \$402.35 and \$360.42.

The City Engineer investigated the claim and learned that the Claimant alerted the truck's driver to the damage at that location and time, and that the windshield was cracked. There is no indication, however, that the driver was operating the City vehicle in an unsafe or negligent manner. It appears that the damage occurred accidentally.

The Michigan No-Fault Automobile Insurance Law requires each driver or the driver's insurer pay benefits for accidental damage to his or her vehicle regardless of fault. However, up to a maximum level of \$400.00, the insured may recover the amount of his or her insurance deductible from the City. MCLA 500.3135.

The Claimant has a \$50.00 insurance deductible level on his automobile insurance, but feels strongly that the City should pay the entire repair cost, regardless of the law.

In light of the above facts and applicable law, it is the recommendation of this office that this claim should be paid in the amount of the insurance deductible, \$50.00.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$50.00 payable to James Amos.

Carried.

January 23, 1986

Council President Tony Benavides and
City Councilmembers

Dear Council President Benavides and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Robert Forgrave and Kevin Kevwitch as Temporary Directors to the RSI Wholesale EDC project. Both of these gentlemen serve as Temporary Directors on other Economic Development Corporation projects.

I trust you will give careful consideration to this appointment.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and the appointment of Robert Forgrave and Kevin Kevwitch be confirmed.

Carried.

January 13, 1985

City Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit to you for your consideration and confirmation the reappointment of Kathryn Haar to the Downtown Mall Advisory Board. The term will expire February 1, 1989.

I trust you will give careful consideration to the reappointment of Kathryn Haar to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and reappoint Kathryn Haar to the Downtown Mall Advisory Board.

Carried.

DATE: 1/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Leonard McConnell

Re: Board of Police Commissioners Resignation

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and place on file.

DATE: 1/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Director of Public Service

RE: Trash in R.O.W. Removal Assessments for
June, 1986 Tax Roll (V-12)

The attached correspondence is submitted with
my concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessments be placed on the June, 1986 Tax Roll (V-12).

Carried.

DATE: 1/23/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from J. William Montgomery

Re: Father John's Fund, Inc.
Request for sign advertising fund raiser.

As was done this time last year, the attached correspondence is submitted with my concurrence for your action, providing the requirements of Planning and Municipal Development Department and Public Service are met. The dates requested are March 10-17, 1986.

BY

CLEOPHUS BOYD,
Executive Assistant

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and approve the request for a temporary sign for the Father John's Annual St. Patrick's Day Party at the corner of Marshall St. and Saginaw St.

Carried.

DATE: 1/17/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Francis Fine

RE: Withdrawal of offer to donate land.

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 1/23/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: 1985 Comprehensive Annual Financial Report

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 1/23/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: Transfer of Funds

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Smallcraft—City Council 9620-18
bo/7700/0207

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of STOP signs on Ingham Street at the intersection of Fauna Street for a trial period; and

Whereas, Stop signs were installed on June 14, 1985, for a 180 day trial period and the reason for the trial period was to allow the Transportation Division to observe traffic and pedestrian (school children) when school began on Ingham Street in late summer and continued until late November creating conditions which were not typical of normal traffic/pedestrian flow at the intersection;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the extension of the trial period for determining the need for traffic control at the intersection of Fauna Street and Ingham Street until June 1986.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0013

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended permanent approval of a request for traffic control at the intersection of Averill Drive and Sandhurst Drive; and

Whereas, on April 2, 1985 Stop signs were removed from Averill Drive and installed on Sandhurst Drive for a 90 day trial period, however due to the Waverly Road closure and the increased traffic caused by the closure in the neighborhood north of Holmes Road, the "after study" was delayed until November;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the permanent installation of Stop signs on Sandhurst Drive at Averill Drive.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0014

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request for traffic control at the intersection of Clemens Avenue and Prospect Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of Stop signs on Prospect Street at Clemens Avenue.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0015

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request for traffic control at the intersection of Chadburne Drive and Glenburne Blvd; and

Whereas, on August 13, 1985, Stop signs were installed on Chadburne Drive at Glenburne Blvd., as directed by the City Council;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the permanent installation of Stop signs on Chadburne Drive and Glenburne Blvd.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0016

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request from Calvary United Methodist Church to allow left turns on Sundays from southbound Pennsylvania Avenue onto eastbound McKim Avenue for a 120 day trial period; and

Whereas, currently left turns are prohibited at all times;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves NO LEFT TURNS EXCEPT ON SUNDAYS for southbound Pennsylvania Avenue at McKim Avenue for a 120 day trial period.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0017

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division has requested a transfer of funds in the amount of \$1,800 from General Fund Reserve for Contingency to perform installation on downtown light poles of "LanZing . . . Look At Us Now" banners purchased recently by the Convention/Visitors Bureau of Greater Lansing; and

Whereas, the Committee on Ways and Means has

reviewed this matter and finds merit in hanging the banners as a downtown improvement, but cannot support the funding request out of the General Fund Contingency account;

Now, Therefore, Be It Resolved that Lansing City Council hereby approves the concept of installing "LanZing" banners on downtown light poles, and requests the Mayor to fund this activity from his office's Community Promotion account.

Lost by the following vote:

Yeas—Councilmember Adado, Belanvides, Blair, Lindemann—4.

Nays—Councilmember Belen, Schmidt, Worthington—3.

By COUNCILMEMBER BLAIR—

That we reconsider the vote taken on Resolution #2 for the purpose of amending the resolution.

Carried.

By COUNCILMEMBER BLAIR—

That the resolution be amended as follows:

That in the last paragraph after the word poles delete the comma (,) and place a period (.) and delete the rest of the paragraph.

Carried.

The resolution as amended was adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0018

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$535.00 from Treasurer/Income Tax-Salaries
A/C 101-253-000-702

\$35.00 to Treasurer/Income Tax-Equipment
A/C 101-253-000-977

(To purchase an electric letter opened to replace existing machine.)

\$10,000.00 from Gen. Adm. Reserve for Contingency
A/C 101-941-000-963

\$10,000.00 to Police Dept. Uniform-Patrol Operating Supplies

A/C 101-316-000-740

(primary expenses charged to this account cover prisoner meals; projected increase of 4,000 additional meals to be served)

\$1,450.00 from Pub. Serv. Operations & Maint.
Flood Control-Equip. Maint.

A/C 101-445-017-933

Flood Control-Equipment

A/C 101-445-017-977

(Replacement of 2 chain falls, 1 electric heater, chain & hand tools stolen in breaking and entering. Equipment not covered by insurance.)

\$850.00 from Community Activities & Acquatics
Salaries & Longevity

A/C 101-728-500-702

850.00 to Parks & Rec. Dept. Community Activities & Aquatics Overtime-Hourly

A/C 101-728-500-709

(Program Leader IIIA budgeted under Foster Community Center would be able to assist with program activities during staff vacancy in this area.)

\$32,018.00 from Estimated Revenues

A/C 101-000-000-160

32,018.00 to Capital Projects-Potter Park Complex

A/C 101-936-204-971

(Council resolution to earmark net proceeds of \$1 vehicle fee at Potter Park for Potter development).

That Balance remaining in the Reserve for Contingency Fund after this transfer is \$343,442.00.

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #19

Resolved by the City Council of the City of Lansing:

That the following transfer be approved:

\$1,125.00 from Reserve for Contingency

A/C 101-941-000-963

1,125.00 to Personnel-Professional Services

A/C 101-226-000-801

(Classification review of Council staff positions by Hay Associates.)

The Balance remaining in the Reserve for Contingency Fund after this transfer is \$342,317.00.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
Ways and Means Committee

By COUNCILMEMBER LINDEMANN—

That the resolution on the transfer of funds be amended as follows:

That we delete the words "Council Staff" and add the words "Internal Audit Staff".

Carried.

The resolution as amended was lost by the following vote:

Yeas—Councilmember Benavides, Blair, Lindemann—3.

Nays—Councilmember Adado, Belen, Schmidt, Worthington—4.

By COUNCILMEMBERS CREAMER, BELEN, BLAIR—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Rezoning petition Z-2-86—5647 Hughes Road to be rezoned from "A" Residential District to "F" Commercial District filed by Roy C. Markey.

Referred to the Mayor.

Smith Pharmacy submits letter regarding relocation of the "Gates Man Tower".

Referred to the Mayor.

By COUNCILMAN BLAIR—

RESOLUTION #0020

Resolved by the City Council of the City of Lansing:

Whereas, Chicanos have long played a distinguished role in the history of the City of Lansing and the State of Michigan. They have equally contributed to the greatness, diversity and strength of our nation; and

Whereas, they have contributed to our economy, development and growth by serving the arts, business, media, industry, agriculture, education and society in myriad ways; and

Whereas, in a complex and diversified mutual society, we must understand, accept and appreciate all traditions and life-styles in order to eliminate prejudice and the effects of stereotyping which have plagued our nation for centuries; and

Whereas, our Chicano community has become an integrated part of midwestern culture. Their numerous accomplishments and contributions to the quality of life in Ingham County and the Great Lake State merit this occasion to reflect upon the influence of Chicano culture on our Michigan citizenry and to further consider how each of us can become more responsive to the concerns of Chicanos; and

Whereas, it was on February 2, 1848, commonly regarded as the birthdate of Chicanos, that the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War and granted American citizenship to Mexicans residing in the lands ceded to the United States by Mexico, was signed; and

Whereas, Chicano History Week in Michigan accords recognition to the cultural and intellectual development of a people with a proud past, inclusive of not only American accomplishments but also those of Spanish origin which predated the first English settlement in the United States by over half a century and the Pre-Columbian cultures of the ancient Aztec, Mayan and other Indian civilizations;

Now, Therefore, Be It Resolved by the Lansing City Council that the week of February 2nd through 8th, 1986, which is traditionally proclaimed as Chicano History Week in Michigan by the Michigan Legislature, be observed by members of the Lansing City Council.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER SCHMIDT—

RESOLUTION #0021

Resolved by the City Council of the City of Lansing:

Whereas, Joan Clark has served the City in various capacities continuously since September 2, 1975; and

Whereas, Joan Clark has served on City Council's staff since January 3, 1979 advancing to the position of Senior Secretary; and

Whereas, during her years of employment Joan Clark has served City Council faithfully, honestly and well; and

Whereas, Joan Clark recently submitted her resignation from her position as Senior Secretary (27);

Now, Therefore, Be It Hereby Resolved that Ms. Clark's resignation is accepted; and

Be It Further Resolved that City Council hereby ex-

presses its thanks to Ms. Clark for her years of faithful service to the City Council and wishes her well in her future endeavors.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

None.

REMARKS BY THE CITY COUNCIL

Councilmember Adado asked question pertaining to the Convention/Exhibition Center—who to contact within city for bookings and when bid recommendations would be forthcoming.

Councilmember Schmidt explained her vote on transfer of funds and commented on the fine Police work concerning Saturday night raid on Butler St.

David Welch, 1122 Hammon St., spoke regarding parking tickets given on Martin Luther King, Jr. Holiday.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:17 P.M.

RITA A. BAUMAN,
City Clerk.

January 27, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, February 3, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

February 3, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance was led by Cub Scout Pack #495 and Boy Scout Troop #437.

By COUNCILMEMBER CREAMER—

That the council proceedings of January 6, 1986 be approved and Carried.

By COUNCILMAN SCHMIDT—

I move that the January 6th Council Proceedings be amended on Page 6 to reflect that Councilmember Belen has her 30th year as a member of City Council—not thirteenth year.

Carried.

The Council proceedings of January 6, 1986 as amended was approved. Carried.

A special presentation by the Lansing School District was presented before City Council.

Jeanetta Graham, Principal, Verlinden School spoke regarding events to be held for the celebration of the 125th Anniversary of the Lansing City School District.

Peggy King, Art Director of the Lansing School District spoke of events and displays to be at the mall area in commemoration of the 125th Anniversary.

A group of children from Woodcreek School danced the Charleston for City Council enjoyment.

By COUNCILMAN BLAIR—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the resolution designating Feb. 2-8th, as Chicano History Week in Michigan as approved by the Lansing City Council at a meeting on January 27, 1986.

Carried:

The resolution was presented by Council President Benavides to Ramiro M. Gonzales, Counselor for Division of Student Affairs and Services of Michigan State University.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Carl Eck, 743 Armstrong Rd., spoke on Mayor's letter 2K—building of a bus shelter on Armstrong Road.

Bengt Val Thulin spoke regarding his claim letter on the agenda.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Cabaret—Holiday Inn
Beer and Wine Carry Out—Supermart, Inc., 1600 S. Washington
Public Drivers—Kerry R. Lynn, George E. Szyman-ski

Referred to the Committee on General Services.

Claims filed by:

a. Bengt Val Thulin, Jackson, MI, for reimbursement of items allegedly taken from his apartment at 151 Garden St. and destroyed by the Lansing Police Department.

B. Barry E. Flegler, 116 Russell St., protesting special assessment on taxes for property located at 1113 W. Shiawassee St.

Referred to the City Attorney.

Michigan Liquor Control Commission submits request for a new Dance/Entertainment Permit to be held in conjunction with 1985 Class C License for G.E.M., Inc., 908-910 West Saginaw.

Referred to the City Clerk and Committee on General Services.

Myra J. Ford, School Board Member, requests permission to hold a Spring Carnival at Riverfront Park, May 9, 10 and 11, 1986 to commemorate the 125th birthday of the Lansing School District.

Referred to the Mayor.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 2a (Creation of Civic Center Authority Board—Articles of Incorporation); 2f (Authority of Lansing Housing Commission); 2g (Downtown Mall Advisory Board Reappointment for Grady Porter); 2i (Legal Opinion—Requirement of a Contract for the Director of Housing Commission); 2k (Recommendation regarding proposed shelter on Armstrong Road).

REPORTS OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Cabaret—Holiday Inn

Beer and Wine Carry Out—Supermart, Inc. 1600 S. Washington

Public Driver—Kerry R. Lynn

Signed:

SIDNEY WORTHINGTON

PAT LINDEMANN

Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

December 19, 1985

President Charles Creamer and
Members of the Lansing City Council

RE: Claim of Sharon Carpenter in the amount of
\$995.96

Dear President Creamer and
Members of the Lansing City Council:

On September 30, 1985 Sharon Carpenter submitted

a claim in the amount of \$995.96. Claimant states that on September 21, 1985 she returned home and found that her basement was flooded with approximately four inches (4" of "sewerage water". Claimant called a plumber who found the problem to be a backed up sewer line. Claimant then contacted the City and she indicates that in all it took approximately one hour and fifty minutes for the City to respond and unplug the sewer lines. The plumber charged claimant \$25.00 the remaining amount of the claim represents cleaning or damaged or destroyed items that were in the basement at the time of the sewer back-up.

A review of Public Service records indicates the City maintains the sanitary sewer and house leads up to the property line. Maintenance of the sewers located at Hilliard Street has been performed regularly over the past few years. The most recent maintenance performed prior to September 21, 1985 was on April 7, 1985. According to the Public Service Department sewers may plug up, again, just a week after cleaning depending upon the amount of grease and detergent used in a particular area.

Michigan law immunized municipalities from tort liability where the municipality is engaged in the exercise and discharge of a governmental function, MCLA 691.1407; MSA 3.996(107). In *Ross v Consumers Power Co.*, 420 Mich 567 (1984) (on rehearing), the Michigan Supreme Court adopted an expanded definition of activities which are governmental in nature and thus are protected by governmental immunity. The Michigan Supreme Court concluded that "a governmental function is an activity which is expressly or implicitly mandated or authorized by constitution, statute or other law". The City of Lansing provides sewer service to Lansing Township pursuant to an intergovernmental services agreement. State law provides that the City may contract with another municipal corporation to provide services to property within the latter's corporate limits, so long as the City is legally furnishing the same service within its own corporate limits. MCLA 124.3; MSA 5.4083. Section 8-30 of the 1978 Lansing City Charter provides that the City shall have all power granted by law to, inter alia, maintain and repair public utilities within its corporate limits. Thus, it is clear that the specific activity engaged in is expressly authorized by both State statute and City Charter and, therefore is governmental.

Based upon the above cited facts and law, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. Sawyer,
CITY ATTORNEY.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the City Attorney and this claim be denied.

By COUNCILMEMBER SCHMIDT—

I move that we amend this motion to pay the claim in the amount of \$217.33.

Lost by the following vote:

Yeas—Councilmember Belen, Schmidt—2.

Nays—Councilmember Adado, Benavides, Blair, Creamer, Lindemann, Worthington—6.

Councilmember Creamer's motion to deny the claim was adopted by the following vote:

Yeas—Councilmember Adado, Benavides, Blair, Creamer, Lindemann, Worthington—6.

Nays—Councilmember Belen, Schmidt—2.

January 30, 1986

Council President Benavides and Members of the Lansing City Council

Dear President Benavides and Lansing City Councilmembers:

Along with appropriate members of my administrative staff, I have reviewed again the report of Coliseum Consultants which I recommended to you and which you endorsed on December 23, 1985. One of the recommendations the consultant emphasized in his report is the fact that the most cost effective and efficient way to manage public assembly facilities is to remove the City from the operation of such facilities and instead allow an independent authority to manage and operate the facilities. The consultant's recommendation is based upon the fact that the city has a long history of ineffectively competing in the convention market as evidenced by continued and rising subsidies needed to operate the Civic Center and declining facility use by vendors. It is evident that the City must rethink how these services are to be provided if this community hopes to compete effectively in the convention market by its utilization of the Civic Center and the new Exhibition Hall. Therefore, I am recommending that the City establish an independent authority under State law. The appropriate resolution is attached.

Proposed Articles of Incorporation which are necessary to give the Authority "life" are also attached. The scope of authority granted by these proposed Articles is broad enough to permit the Authority the needed flexibility to effectively operate a public assembly facility and therefore be competitive in the convention marketplace. Subsequent to the establishment of this Authority, the City's relationship with the Authority will be governed by a series of contracts which will be forwarded to you in advance for your review and approval. The major highlights of these operating agreements will be as follows:

a. The Civic Center will be leased to the Authority for a period of up to five years in order to provide a transitional period as recommended by the Consultant. During this period the Authority will have total administrative control subject to the already existing arrangements between the vendors and current tenants.

b. Ownership of the Exhibition Hall will be conveyed to the Authority which in turn will lease the Exhibition Hall to the City. This is being incorporated to facilitate future enhancements to the facility as may be warranted by needs of the community. This action will require HUD approval, and a request for such approval has already been forwarded to HUD for their response.

c. The City will contract with the Authority to manage the Exhibition Hall. The Authority will have total administrative control.

If the City Council approves my recommendation

for an independent authority, the City, as soon as it is operationally feasible, will cease to operate public assembly facilities. As a result of this cessation, City staff will no longer be needed to maintain and operate said facilities. Therefore, earlier today the City's Director of Labor Relations notified affected unions of the City's contemplated actions. I and my administration are committed to working with the affected unions, and exempt personnel, if they so desire, to make all reasonable efforts to redeploy and/or retrain all affected employees so that they may remain productive members of the City's workforce.

In addition, I have contacted the chairperson of the Civic Center Board and notified him that if the City Council approves my recommendation that I will, subsequent to that approval, be submitting a reorganization plan under ordinance that will disband the Civic Center Board and eliminate the Civic Center as a City agency.

With regard to existing tenants of the Civic Center, I have met with them and assured them that their lease agreements will continue to be honored by the Authority. I assure members of the City Council that any proposed contract which I recommend between the City and the Authority will include provisions honoring the City's current leases.

As I stated at the City Council meeting on January 27, 1986, the City's Finance Department will be submitting an updated financial impact statement for your review on February 6, 1986. This financial impact analysis will be based on the assumptions attendant to promptly implementing the proposed authority. This update will include an estimate of operating costs for the Authority for FY 87.

A request for an interim appropriation of \$100,000 will be forthcoming next week with the financial impact statement. These funds would be loaned to the Authority to cover appropriate expenses between the date of inception and July 1, 1986 and this transfer will need to be adopted simultaneously with the Articles of Incorporation.

Finally, I am requesting that the City Council act in an expeditious manner in either adopting or rejecting the proposed Articles of Incorporation. I cannot emphasize enough that the timely action of the City Council is critical to the implementation of an organizational structure to facilitate the management and promotion of the downtown public assembly facilities. Absent the action of Council, I cannot nominate individuals to sit on the Commission, the Commission cannot hire the appropriate staff and the Authority and City cannot negotiate contracts establishing the parameters of their relationship. As soon as the Council takes definitive action, the administration is prepared to return within 30 days of the action with appropriate implementation documents, provided that the appropriate HUD approval has been obtained.

As always, I and appropriate members of my staff are available to answer any questions you may have.

Best personal regards,

TERRY J. McKANE,
MAYOR.

Referred to the Committee on Public Safety and Properties.

DATE: 1/29/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning and Municipal Devel. Dept.

RE: Z-31-85, 5542, 5600, 5614 (and parcel south of
5614) South Logan St.

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Develop-
ment.

DATE: 1/29/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning and Municipal Devel. Dept.

RE: Z-32-85, 1800 Block of Todd Ave.

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to Referred to the Committee on Physical
Development.

DATE: 1/29/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning and Municipal Devel. Dept.

RE: P-4-85, Wise Wood Acres—Tentative Prelimin-
ary Plat

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Develop-
ment.

DATE: 1/29/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning and Municipal Devel. Dept.

Re: Sale of Vacant Lot—117 Garden St. (NDA 3#4)

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Develop-
ment.

DATE: 1/30/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Re: Authority of Lansing Housing Commis-
sion

The attached legal opinion is submitted for your in-
formation.

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

January 27, 1986

City Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit to you for your consideration and
confirmation the reappointment of Mr. Grady Porter
to the Downtown Mall Advisory Board. The term will
expire 2/1/89.

I trust you will give careful consideration to the
reappointment of Mr. Grady Porter to this important
Board.

Best personal regards,

Sincerely,

TERRY M. McKANE,
MAYOR.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and reappoint Grady Porter to the Downtown
Mall Advisory Board.

Carried.

DATE: 1/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Public Service Director

Re: Trash in R.O.W. Removal Assessments for June,
1986 Tax Roll (V-12)

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the \$990.00 Trash in R.O.W. Removal Assessments be placed on the June, 1986 Tax Roll (V-12).

Carried.

DATE: 1/30/85

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Stephen R. Sawyer, City Attorney

Re: Legal Opinion—Requirement of a Contract for the Director of the Housing Commission

The attached legal opinion is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file with copy sent to the Committee on General Services.

DATE: 1/30/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Building Safety Director

RE: Request for Public Hearing—5312 S Waverly Rd.

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the public hearing for make-safe or demolish property located at 5312 S. Waverly Rd. be set for March 3, 1986.

Carried.

February 3, 1986

Council President Tony Benavides and City Councilmembers

Dear President Benavides and Councilmembers:

Recently you referred to me an offer from Mr. and Mrs. Eck to erect at their expense a bus shelter for school children on the south side of Armstrong Road at the end of Granger Drive. I recommend that you approve placement of the bus shelter subject to the following conditions:

1. The Lansing School District shall approve the use of the bus shelter by students prior to the start of construction.

2. The property owner(s) shall approve the use of the right-of-way in front of his/her house prior to the start of construction. (The shelter is not intended to be placed in front of the Eck house.)

3. The design of the shelter, the materials used to build the shelter, and the method of anchoring the shelter to the ground shall be approved by the Building Safety Division prior to the start of construction.

4. The City shall not be responsible for any damage to the shelter due to snow plowing, street sweeping, refuse pickup, or other City operations.

5. The City shall not be responsible for the maintenance of the structure or the right-of-way.

6. The City shall not share in any of the costs related to the preparation of the right-of-way and construction of the shelter.

7. The City Council is aware of the fact that the City will be exposed to increased potential liability to the extent that the shelter might be or become unsafe, and also that the City will incur liability for any injury caused by defective construction or design of the structure.

Best personal regards,

TERRY J. MCKANE,
MAYOR.

Referred to the Committee on Public Safety and Properties.

DATE: 1/30/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Director

RE: Transfer of Funds

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Ways and Means.

By COMMITTEE ON GENERAL SERVICES—
RESOLUTION #0022

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 915 W. Kalamazoo Street, legally described as:

W ½ Lot 4 and E. ½ Lot 5 Block 9 Bush, Butler and Sparrow S. Addition

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on November 21, 1985, at which the Hearing Officers

determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on January 13, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within Twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0023

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 1904 North East Street, legally described as:

Lot 85, or Dr. L. Anna Ballard's Subd. of Lot A. Ballard's Add to the City of Lansing, Ingham County, Michigan

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on November 21, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on January 13, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By GENERAL SERVICES COMMITTEE—

Resolved by the City Council of the City of Lansing:

RESOLUTION #0024

Resolved by the City Council of the City of Lansing:

Whereas, R. E. Reed, representing Grand Valley Swamp Development Inc. legal owners of the property located at 712 Center Street, Lansing, Michigan and further described as:

W. 1/2 of lot 15, lot 14, lot 11, and the S. 2 1/4 rods of lot 10, Block 22, Original Plat, City of Lansing, Ingham County, Michigan.

Did submit a written request to the Director of Building Safety to demolish and remove a condemned two-story residential structure located at the above address, and that all costs be applied to the property tax roll.

Now, Therefore, Be It Resolved that the Director of Building Safety is authorized to proceed with demolition and removal of the structure, filling, grading and seeding of the site, and that the Purchasing Director is authorized to proceed with obtaining quotations for the work.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0025

Resolved by the City Council of the City of Lansing:

That the request from One Michigan Avenue Associates for a new full year B Hotel license to be located at the 100 Block, Lansing, Michigan, Ingham County, be denied.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0026

That a public hearing be set for Monday, February 17, 1986 at 7:00 pm, in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the proposed Ordinance to Amend Chapter 21 Nuisances of the Code of Ordinances of the City of Lansing by adding new sections numbered 21-25 through 21-37 inclusive so as to regulate, restrict, and prohibit smoking in public places and office work places within the City of Lansing, and to provide a method of enforcement and penalties for violations of smoking regulations.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0027

LANSING CITY COUNCIL
RESOLUTION AMENDING PRIOR
RESOLUTIONS AND CONFIRMING
APPOINTMENT OF ADDITIONAL
DIRECTOR TO THE BOARD OF DIRECTORS
OF THE ISSUER
(C&W Development Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on February 3, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council previously adopted a resolution confirming appointment of additional directors to the Board of Directors of the Issuer with respect to the C&W Development Project (the "Project"); and

Whereas, Dennis Hurst, who was appointed as an additional director of the Board of Directors of the Issuer for the Project, has resigned his position as an additional director; and

Whereas, the Mayor has submitted to this City Council for consideration and confirmation the appointment of Douglas Griffith to replace Dennis Hurst as an additional director for the Project.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. This City Council hereby consents to the appointment by the Mayor of the City of Lansing of Douglas Griffith as an additional director to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said person being representative of neighborhood residents and business interests likely to be affected by the Project.

2. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

3. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 3rd day of February, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0028

LANSING CITY COUNCIL
RESOLUTION AMENDING PRIOR

RESOLUTIONS AND CONFIRMING
APPOINTMENT OF ADDITIONAL
DIRECTOR TO THE BOARD OF DIRECTORS
OF THE ISSUER
(Hannah Technology Research Center Project)

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on February 3, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council previously adopted a resolution confirming appointment of additional directors to the Board of Directors of the Issuer with respect to the Hannah Technology Research Center Project (the "Project"); and

Whereas, Dennis Hurst, who was appointed as an additional director of the Board of Directors of the Issuer for the Project, has resigned his position as an additional director; and

Whereas, the Mayor has submitted to this City Council for consideration and confirmation the appointment of Douglas Griffith to replace Dennis Hurst as an additional director for the Project.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. This City Council hereby consents to the appointment by the Mayor of the City of Lansing of Douglas Griffith as an additional director to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said person being representative of neighborhood residents and business interests likely to be affected by the Project.

2. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

3. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 3rd day of February, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

By COMMITTEE ON ECONOMIC
DEVELOPMENT—

RESOLUTION #0029

LANSING CITY COUNCIL
RESOLUTION AMENDING PRIOR
RESOLUTIONS AND CONFIRMING
APPOINTMENT OF ADDITIONAL
DIRECTOR TO THE BOARD OF DIRECTORS
OF THE ISSUER
(Joe D. Pentecost Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on February 3, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council previously adopted a resolution confirming appointment of additional directors to the Board of Directors of the Issuer with respect to the Joe D. Pentecost Project (the "Project"); and

Whereas, Dennis Hurst, who was appointed as an additional director of the Board of Directors of the Issuer for the Project, has resigned his position as an additional director; and

Whereas, the Mayor has submitted to this City Council for consideration and confirmation the appointment of Douglas Griffith to replace Dennis Hurst as an additional director for the Project.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. This City Council hereby consents to the appointment by the Mayor of the City of Lansing of Douglas Griffith as an additional director to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said person being representative of neighborhood residents and business interests likely to be affected by the Project.

2. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

3. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
 COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 3rd day of February, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
 Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC
 DEVELOPMENT—

RESOLUTION #0030

LANSING CITY COUNCIL
 RESOLUTION AMENDING PRIOR
 RESOLUTIONS AND CONFIRMING
 APPOINTMENT OF ADDITIONAL
 DIRECTOR TO THE BOARD OF DIRECTORS
 OF THE ISSUER
 (Walter French Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on February 3, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council previously adopted a resolution confirming appointment of additional directors to the Board of Directors of the Issuer with respect to the Walter French Project (the "Project"); and

Whereas, Dennis Hurst, who was appointed as an additional director of the Board of Directors of the Issuer for the Project, has resigned his position as an additional director; and

Whereas, the Mayor has submitted to this City Council for consideration and confirmation the appointment of Douglas Griffith to replace Dennis Hurst as an additional director for the Project.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. This City Council hereby consents to the appointment by the Mayor of the City of Lansing of Douglas Griffith as an additional director to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said person being representative of neighborhood residents and business interests likely to be affected by the Project.

2. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

3. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
 COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 3rd day of February, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
 Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0031

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$1,100.00 from Reserve for Contingency

A/C 101-941-000-963

1,100.00 to City Council-Equipment

A/C 101-101-000-977

(Additional funds to further upgrade the memory of the Xerox 620 above the original proposal.)

\$850.00 from Gen. Adm. Reserve for Contingency

A/C 101-941-000-963

850.00 to District Court-Probation Temp Help

A/C 101-151-000-707

(Temp. replacement of probation officer during her maternity leave 2-1-86 to 3-15-86)

\$704.47 from General Fund Estimated Revenues

A/C 101-000-000-160

704.47 to Police Forfeiture-Act 251

A/C 101-305-016-969

(Act 251 Forfeiture to Tri-County Metro Squad).

\$750.00 from Fire Adm. Salaries-Overtime

A/C 101-337-000-708

750.00 to Fire Maint. Salaries-Overtime

A/C 101-338-000-708

(Additional funds required to cover overtime incurred in response to emergencies during Christmas holidays.

\$2,500.00 from Fire Adm.-Longevity

A/C 101-337-000-712

2,500.00 to Fire Dispatch-Overtime

A/C 101-348-000-708

(Funds are needed to cover additional overtime due to major fires, and callbacks to cover sick leave and personal leave time.

\$2,300.00 from District Court-Fringe Benefits

A/C 760-136-000-715

2,300.00 to Dist. Ct.-Wages & Temp. Help

A/C 760-136-000-707

(Temp. Replacement help (for January 1986) to cover vacancies left by the retirement of Mr. Dyer (Deputy Clerk IV) and R. Gillette (Asst. Court Adm.)

\$5,904.00 from Dist. Ct.-Estimated Revenue

A/C 760-000-000-160

\$5,904.00 to Dist. Ct.-Sick Leave

A/C 760-136-000-711

(Retirement and/or departure of four Dist. Ct. employees with total accumulated sick leave benefits of \$7,846.06. To allow complete payment of benefits to these individuals.)

\$5,904.00 from Gen. Adm. Reserve for Contingencies

A/C 101-941-000-963

\$5,904.00 to Dist. Ct. Expenditures

A/C 101-136-000-700

(Retirement and/or departure of four Dist. Ct. Employees with total accumulated sick leave benefits of \$7,846.06. To allow complete payment of benefits to these individuals.)

The Balance remaining in the Reserve for Contingency Fund after this transfer is \$334,463.00.

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
Ways and Means Committee

Councilman Blair left the meeting.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Revising the district maps adopted by Section 36-6 of the Code of Ordinances and to change the zoning classification for the rezoning petitions:

Z-31-85—5542-5600-5614 and vacant lot south of 5614 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial and "D-1" Professional Office District.

Z. 32-85—1800 Blk. Todd Avenue to be rezoned from "DM-3" District to "C" Residential and "J" Parking District was introduced by Councilmember Creamer read a first and second time by their title(s) and referred to the Committee on Physical Development.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

That a public hearing be set for Monday, February 24, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and /or approving rezoning petitions:

Z-31-85—5542-5600-5614 and vacant lot south of 5614 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial and "D-1" Professional Office District.

Z-32-85—1800 blk. Todd Avenue to be rezoned from "DM-3" District to "C" Residential and "J" Parking District.

Adopted by the following vote:

Unanimously.

BY COUNCILMEMBERS BLAIR AND SCHMIDT—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Network Technologies Corporation commending the Lansing Police Department and particular Officer Beiderwieden for quick response to apprehending prowlers at their place of business.

Received and placed on file.

DATE: 2/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

Re: Poxson Building Project—Proposed Contract Amendment

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

(Reprinted to correct proceedings of January 27, 1986

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of STOP signs on Ingham Street at the intersection of Fauna Street for a trial period; and

Whereas, Stop signs were installed on June 14, 1985, for a 180 day trial period and the reason for the trial period was to allow the Transportation Division to observe traffic and pedestrian (school children) when school began in the fall, however, sewer construction began on Ingham Street in the late summer and continued until late November creating conditions which were not typical of normal traffic/pedestrian flow at the intersection;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the extension of the trial period for determining the need for traffic control at the intersection of Fauna Street and Ingham Street until June 1986.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

Reminded citizens that tickets for jaywalking are being issued for the north side of Michigan Avenue from Grand Avenue to Washington Ave. around the construction zone of the new hotel.

REMARKS BY THE CITY COUNCIL

Councilmember Adado asked about construction bids for the Convention/Exhibition Center.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 7:55 P.M.

RITA M. BAUMAN,
City Clerk.

February 3, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, February 10, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

February 10, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—7.

Absent: Councilman Creamer—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of January 13, 1986 be approved and Carried.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

February 10, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as:

Z-30-85—504 E. Holmes Rd. to be rezoned from "DM-3" Residential District to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment.

Referred to the Committee on Physical Development.

PUBLIC HEARING

February 10, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Special Land Use, SLU-19-85, 3000 blk. E. Jolly Road to be used as a church.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed special land use they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

Mayor McKane presented the following Proclamation to Mr. McGruff of the Lansing Police Department.

PROCLAMATION

Whereas, the National Crime Prevention Council was established in 1983 to encourage citizen involvement in preventing crime in America; and

Whereas, over the past two decades violent crimes and property crimes have shown a steady increase. In 1963 there were over 3,900,000 crimes reported. In 1983 over 12,000,000 violent and property crimes were reported; and

Whereas, the financial loss, personal injury, and community deterioration as a result of crime in Lansing is intolerable; and

Whereas: Crime Prevention Week and its activities reminds everyone that they can protect themselves against crime. It honors the community spirit that helps immeasurably in making crime prevention effective—and the many citizens who volunteer their time and energy to make Lansing a safer place for us and our families to live and work.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the week of February 9-15, 1986 as:

"CRIME PREVENTION WEEK"

In Lansing, and urge all citizens and institutions,

public and private, to become aware of, and participate in, crime prevention activities.

Given under my hand and the Seal of the City of Lansing this fourth day of February in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE,
Mayor.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Driver—Terry Harris
Auctioneer—John C. Stephenson

Referred to the Committee on General Services.

Claims filed by:

A. Hazen Briles, 1301 Lansing Road, for automobile damaged from hitting a pot hole on Pennsylvania Ave.

b. Billy and Helen Hall, 787 E. Clark Rd., for damages to grave marker and urn at Mt. Hope Cemetery.

Referred to the City Attorney.

Applications filed for Industrial Facilities Exemption Certificates by:

a. Speaker-Hines & Thomas, Inc., 3366 Remy Drive, for new facility.

b. Speaker-Hines & Thomas, Inc., 3366 Remy Drive, for rehabilitation of a facility.

Referred to the Committee on Economic Development and Mayor.

Darrick J. Puffer, student of Lansing Community College, submits letter of complaint concerning unfair parking violation treatment.

Referred to the Mayor.

John Salmons, Chief Code Compliance Officer of City of Lansing, submits letter from Joseph W. Iding regarding sign in R-O-W at Bud Kouts Chevrolet Co.

Referred to the Mayor and the Committee on Public Safety and Properties.

Letter from Barberg and Associates, Inc., investi-

gating the possibility of development and operation of hotel and convention center at Civic Center area.

Referred to the Mayor, Economic Development Corporation Board, and the Committee on Economic Development.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor McKane presented proclamation to Grey Turney and proclaimed Tuesday, February 11, 1986 as "Grey Turney Day".

PROCLAMATION

Whereas, Grey Turney began his employment with the Ingham County Health Department in January, 1929. He served 40 years as Director of Environmental Health; and

Whereas, He was appointed to the Building Board of Appeals and served 32 years. He was also appointed to the Plumbing Board in 1953 and served 25 years. His expertise in the health field was of great value to both boards as they made decisions concerning public health and safety in public buildings; and

Whereas: The Boy's Camp Committee of the Y.M.C.A. was organized to raise funds and to provide other assistance to boys wishing to attend summer camps. Grey Turney devoted many hours of service both on the Y.M.C.A. Board and on the Boy's Camp Committee; and

Whereas: He is an active member of the Emmanuel Lutheran Church and has served on many committees within the church.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me do hereby proclaim Tuesday, February 11, 1986, as:

"GREY TURNEY DAY"

in Lansing and urge all residents of this community to applaud this outstanding individual for his dedicated service to the citizens of Lansing for so many years.

Given under my hand and the Seal of the City of Lansing this tenth day of February in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE,
Mayor.

Mayor's letters 3b (Building Board of Appeals Resignation—Grey Turney); 3c (Board of Water and Light Appointment—Dr. Eva Evans); 3f (Letter of appreciation to LPD for Assistance at Burger King); 3i (Development of Edward F. Solomon Property); 3q (Filling of Positions—Two-week delay).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Public Driver: Terry Harris
Auctioneer: John C. Stephenson

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

February 6, 1986

Council President Benavides and
Members of Lansing City Council

RE: Claim of James Henry, Jr. in the amount of
\$325.00

Dear Council President Benavides and
Members of Lansing City Council:

On December 4, 1985 James Henry, Jr., 3213 S. Catherine, Lansing, filed a claim for \$325.00 as compensation for water damages to his basement and its contents allegedly due to a plugged City sewer main. Claimant stated that this incident occurred on December 1, 1985.

This Claim was investigated by the City's Public Service Department which reported to this office that it had in fact received a complaint on December 1, 1985 at 9:42 a.m. regarding a sewer backup at claimant's address. A City work crew, which was immediately dispatched, cleaned the plugged City main by 10:20 a.m. the City Engineer also reported that there has been no history of sewer problems on Catherine Street.

MCLA 691.1407 provides that the City of Lansing is protected by governmental immunity when engaged in a governmental function. The Michigan Supreme Court recently held in *Ross v Consumers Power Co.*, 420 Mich 554, (1985) that "governmental function" includes activities authorized by law. The construction and operation of the City's sewer system is authorized by City Charter, Chapter 3, and City Ordinance, Article III, Sec. 27-40. Accordingly, the City is entitled to governmental immunity in this matter and is not legally obligated to pay this claim. Moreover, governmental immunity aside, there is no indication that the City was negligent in this matter. On the contrary, the City's prompt action probably reduced the damages which claimant may have incurred.

Based on the above, it is the recommendation of this office that this claim should be denied.

Very truly yours,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

February 6, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Donald Feldpausch in the amount of
\$250.00

Dear President Benavides and
Members of Lansing City Council:

On October 28, 1985, Donald Feldpausch submitted a claim in the amount of \$250.00 for towing and storage charges for his motorcycle. Claimant states that on August 9, 1985, he notified Lansing Police Department that his motorcycle was stolen. Claimant indicates that his motorcycle was recovered by the Lansing Police Department on July 5, 1985 but he was not notified of that fact until October 11, 1985. Claimant states that the failure of the Lansing Police Department to notify him of the recovery resulted in storing and towing charges totaling \$290.00 of which \$250.00 was paid by the claimant to the towing company and the remaining \$40.00 was waived.

Lansing Police Department records indicate that claimant first notified his motorcycle missing on or about August 6, 1985 but did not report the motorcycle stolen until August 9, 1985. The motorcycle was actually towed by the Lansing Police Department on July 5, 1985 from the 500 block of South Waverly, over a month prior to the vehicle being reported as stolen by the Claimant. The lien check on the motorcycle was negative.

On October 10, 1985, the Lansing Police Department was notified by the storage company that the motorcycle was being processed as an abandoned vehicle. Lansing Police again ran a lien check and at that time it was learned that the motorcycle was reported as stolen. The claimant was immediately notified by the Lansing Police Department that his motorcycle was recovered and could be picked up upon payment of storing and towing charges.

Michigan law immunizes municipalities from tort liability where the municipality is engaged in the exercise and discharge of a governmental function. MCLA 691.1407. Impoundment of vehicles is such a function.

Based upon the above-cited facts and law, it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

February 6, 1986

President Benavides and
Members of the Lansing City Council

Re: Claim of Mrs. George Adado in the amount of
\$152.50

Dear President Benavides and
Members of the Lansing City Council:

On or about December 23, 1985 the City received a complaint from Mrs. George Adado, 2317 West Michigan, Lansing concerning a \$152.50 property tax assessment on property owned by the Sav-Way Investment Club.

Investigation by the City Office of Planning and Municipal Development indicated that on June 28, 1985 a Lansing Building Safety Division employee found a violation of City Ordinance Chapter 21, Nuisances, Section 21-8 at a vacant lot located in the Southeast corner of East Gier and Seventh Streets in Lansing (Parcel No. 3301-03-352-001). The cited ordinance provides in pertinent part that the owner of a lot of ground is prohibited from allowing the growth of grass or weeds in excess of twelve (12) inches).

Pursuant to standard procedures, written notice was given to the listed owner, Sav-Way Investment Club, that the grass and weeds were to be cut within ten (10) days of the date of inspection. The notice stated in writing that if the owner failed to cut the grass, a contractor would be hired by the City to do the work and the cost plus a \$130.00 City service charge would be assessed against the property. The notice was mailed immediately upon inspection.

On July 11, 1985 reinspection of the property indicated that the grass had not been cut. The City therefore arranged to have the grass cut by a contractor who did so on July 16, 1985, eighteen days after the first inspection.

Mrs. Adado on behalf of Sav-Way Investment Club claims that the owners of the lot cut the grass within the allowed ten (10) day period. According to the Chief Code Compliance Officer, however, the contractor customarily does not cut the grass again if the grass has already been cut upon the arrival of the contractor.

Therefore it is the recommendation of this office that this claim be denied.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER BENAVIDES—

Councilmember Adado has asked to be excused from voting on this claim.

Carried unanimously.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

February 6, 1986

President Benavides and
Members of the Lansing City Council

RE: Claim of Diana L. Roberts in the amount
\$903.52

Dear President Benavides and
Members of the Lansing City Council:

On December 10, 1985, Diana L. Roberts, 5550 W. Mall Drive, Apartment 1106, Lansing, filed a claim for damages to her automobile incurred on September 14, 1985 when her car was struck by another car at the corner of Waverly and Holmes Roads. Claimant alleges that the accident was caused by a road sign which the City of Lansing had erected in the center of Waverly Road and which obstructed visibility.

This claim was investigated by the Public Service Department which found that, at the time of the accident, Waverly Road south of Holmes was closed to traffic because of sewer construction. Barricades and signs that conformed to the Michigan Manual of Uniform Traffic Control Devices were in place to close the road to traffic. There is no indication that the signs and barricades were improper in any way.

Therefore, it appears that the City was not at fault in this situation. Rather, it appears that both drivers in this situation may have failed to take adequate precautions in a properly marked construction zone.

Therefore, it is the recommendation of this office that this claim be denied.

Respectfully,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

February 6, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Mary Ann Badar

Dear President Benavides and
Members of Lansing City Council:

On November 12, 1985 Mary Ann Badar submitted a claim for damage to her car paint in the amount of \$64.96. Claimant stated that on November 2, 1985, while shopping at the City Market, she accidentally locked her keys in her car. A City employee attempted to unlock the car with a tool he had at the market. Claimant states her vehicle was scratched when the City employee attempted to unlock her vehicle. She noticed the scratches and asked the City employee to stop before he caused more damage. The City employee continued to attempt to unlock the door after being asked by claimant to stop causing even more damage to claimant's car paint.

Parks and Recreation indicate the claimant's report of damage to her vehicle is essentially correct. In addition, the following information was submitted. The City employee in question was a custodian. The custodian was never trained in the proper use of the special tool to unlock car doors. The service of unlocking locked cars was previously provided only by the manager of the City Market. The manager was away at the time of the incident. Apparently, at the time, there were not any exigent circumstances. (e.g. baby locked in car). Employees of the City Market have been directed not to offer such assistance of this nature in the future.

The City employee involved was acting outside the scope of his normal duties, and was not trained in the use of the special tool and failed to use it properly. There was no exigent circumstance that required immediate access to claimant's vehicle. As the employee was an agent of the City, the City is responsible for his actions.

As it appears that the damage to the Claimant's car

was caused by the acts of the employee, it is the recommendation of this office that this claim should be paid.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$64.96 payable to Mary Ann Badar.

Carried.

February 6, 1986

President Benavides and
Members of the Lansing City Council

RE: Claim of William G. Johnson in the amount of \$61.56

Dear President Benavides and
Members of the Lansing City Council:

On Friday, January 10, 1986, William G. Johnson, 15210 Turner, DeWitt, drove over a large piece of metal lying in the street at about the intersection of North Logan and Grand River Street. As a result of this incident, the left rear tire of his vehicle was punctured and destroyed. On January 13, 1986, Mr. Johnson filed a claim with the City for \$61.56 to cover the cost of replacing the tire.

This claim was investigated by the Public Service Department which discovered that on the day of the incident, an employee of the Operations and Maintenance Division reported that he had found a portion of a City snow plow blade at that location and had received the initial report about the above incident from the Claimant. According to the Operations and Maintenance Division, the breakage of City-owned snow blades on the streets is a common occurrence during the winter. This usually results from a snow-plow blade colliding with an object, such as a manhole cover, which is higher than the surface of the street. According to the Operations and Maintenance Division, these blade pieces are usually left in the street.

MCLA Sections 691-1402 and 691.1403 hold municipalities liable for damages caused by their negligent failure to remove obstructions in their streets after actual or constructive notice of an obstruction. There was no actual notice to the City concerning the particular piece of snow-plow prior to the incident her in question. Nevertheless the Public Service Department has reported that snow-plow blades are often chipped, and pieces of those blades are many times left in the streets. The recent case of *Sweetman v State Highway Dept.* 137 Mich App 14, (1984) stated that evidence that the State of Michigan knew of prior accidents which occurred under similar weather conditions was sufficient to show actual or constructive notice of any defects.

Accordingly, this office recommends that this claim should be paid in the amount of \$61.56.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$61.56 payable to William G. Johnson.

Carried.

February 3, 1986

President Tony Benavides and
Members of Lansing City Council

RE: Retaining Independent Auditing Firm for
Three-Year Cycle

Dear President Benavides and Council Members:

At a duly noticed rescheduled regular meeting of the Board of Water and Light Commissioners of the City of Lansing, Michigan, held January 28, 1986, at which a quorum was present, the following action was duly adopted and filed with the City Clerk's Office:

That City Council be advised that the three year audit cycle of the Board of Water and Light was completed as of June 30, 1985. Because of audit types of questions which may arise throughout the year, an independent auditing firm should be retained for the next engagement cycle as soon as possible.

In accordance with City Council's resolution of May 5, 1980, the Council is requested to establish bid specifications in collaboration with the City Controller and Board of Water and Light staff. Further, the Board requests to be involved in conjunction with the City Controller in evaluating proposals and the subsequent selection recommendation to the City Council.

This recommendation is being submitted to you for Council Action.

Respectfully submitted,

MARY E. SOVA, Secretary
Board of Water and Light

Referred to the Mayor and the Committee on Ways and Means.

February 6, 1986

President Tony Benavides and
Members of Lansing City Council

RE: City of Lansing Parks Department Use of
Board Property

Dear President Benavides and Council Members:

At a duly noticed regular meeting of the Board of Water and Light Commissioners of the City of Lansing, Michigan, held November 26, 1985, at which a quorum was present, the following action was duly adopted and filed with the City Clerk's Office:

Whereas, the Board of Water and Light (BOARD) has jurisdiction over certain parcels of land (land) purchased by the Board in the name of the City of Lansing, Michigan, on the south bank of the Grand River at Kaplan Street.

Whereas, this land was purchased to permit the Board to drill a well, and

Whereas, the people of Lansing would benefit if this land were used for multiple purposes, and

Whereas, City Council, by Resolution dated May 16, 1983, approved the concept of using this land for park purposes and requested the Board approve the use thereof, and

Whereas, the use of this land for park purposes will not, under certain conditions, interfere with the operation and maintenance of existing or contemplated Board facilities installed thereon.

Now, Therefore, Be It Resolved, that the Board allow the City of Lansing Parks and Recreation Department to use the following described land:

Commencing at the S.W. corner of Section 5, T4N, T2W, and running thence E 720 feet, thence N. to Grand River, thence S.W. along the S. line of Grand River to Section line of said Section 5, and thence S. to place of beginning, except the E. 25 feet there of which is to be used in common with other lands as a road, also except and reserving the S. 182 feet of above described property;

Be It Further Resolved, that the use of the above-described land of the Board of Water and Light by the City Parks Department of Lansing Parks and Recreation is subject to the following:

1. The Board retains the right to continue operating existing facilities installed on the land consisting of a well number 10-13 and such other utility facilities as the Board may decide to construct thereon in the future.

2. The Board retains full right of ingress and egress over the entire land above described to operate and maintain any Board facility installed thereon.

3. The Lansing Department of Parks and Recreation Department will maintain all lands and will provide and maintain adequate roadways to provide ingress and egress to Board Facilities, the Board will maintain its well and related facilities.

4. No sewers will be constructed within the hundred (100) feet of Board well number 10-13.

5. To insure that development of the land will not interfere with the Board's operation of its facilities, the City Parks and Recreation Department will submit all improvement plans to the Board for approval.

6. The Lansing Parks and Recreation Department will be responsible for any assessments for City improvements, i.e., street, sewers or sidewalk and etc.

7. If after one year from the date of this agreement, no improvements have been made to the herein described property, this agreement becomes null and void.

The City will hold the Board harmless from any and all personal injury claims arising out of the operations of facilities located on the land which has been converted to park purposes.

This recommendation is being submitted to you for Council action.

Respectfully submitted,

MARY E. SOVA, Secretary
Board of Water and Light

Referred to the Mayor and the Committee on Public Safety and Properties.

DATE: 2/4/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Grey Turney

RE: Building Board of Appeals Resignation—Grey Turney

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

February 6, 1986

City Council President Tony Benavides and Lansing City Councilmembers

Dear Council President and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Dr. Eva Evans to the Board of Water and Light, representing the 4th Ward. The term will expire June, 1988.

Dr. Evans resides at 434 S. Verlinden and is employed as the Assistant Superintendent for Personnel for the Lansing School District.

She is active in the community, serving on the Lansing Symphony Board, the Arts Council Board, the Rail Council, and the Michigan Civil Rights Commission.

I trust you will give careful consideration to the appointment of Dr. Eva Evans to this important Board.

Best personal regards,

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER BLAIR—

I move that we confirm the appointment of Dr. Eva Evans to the Board of Water and Light.

Carried.

DATE: 2/6/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached information and items for action

Re: Civic Center/Exhibition Hall Authority

The attached documents are submitted and your information and with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 2/4/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Dir.

RE: ACT-9-85, Lease of Parcel "C" Pine Tree
Rd., Delhi Township

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and
Properties.

DATE: 2/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Norm Spalding, H&S Foods, Inc.

RE: Letter of Appreciation to Lansing Police
Department for Assistant at Burger King

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Financial Statement of the City funds at
December 31, 1985

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 2/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Administrative Services Director

RE: Resolution for sale of excess city property

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and
Properties.

DATE: 2/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Chris A. Bergstrom, Farhat, Story, Panek,
Tyler & Draus, P.C.

RE: Development of Edward F. Solomon Property

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Director

RE: Trash in R.O.W. Assessments for June, 1986 Tax
Roll (V-12)

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and the Trash in R.O.W. Assessments be
placed on the June, 1986 Tax Roll (V-12).

Carried.

DATE: 2/4/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Naoma Letts Reed

RE: Southbound Logan St. at Hillsdale

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 1/31/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Building Safety Div. Director

RE: Trash Assessments for July 1986 Tax Roll U-30
(\$5,253.30)

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and the trash assessments in the amount of
\$5,253.30 be placed on the July 1986 Tax Roll U-30.

Carried.

DATE: 2/4/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from District Court Judge Charles Filice

RE: 1985 State of the Judiciary Report for the 54-A
District Court

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/6/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Deputy Controller, Charles Remenar

RE: Release of Financial Security—Trapper's Cove
#1 Subdivision

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and financial security in the amount of
\$2,737.00 be released for the Trapper's Cove #1 Sub-
division.

Carried.

DATE: 2/6/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Deputy Controller, Charles Remenar

RE: Release of Financial Security—Trapper's Cove
#2 Subdivision

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and the financial security in the amount of
\$2,115.00 be released for the Trapper's Cove #2 Sub-
division.

Carried.

DATE: 2/6/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Department

RE: Transfer of Funds

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 2/5/86

TO: Karen Jackson, Director of Personnel & Training

FROM: Terry J. McKane, Mayor

SUBJECT: Filling of Positions—Two-week Delay

Effective today, I direct you to institute a two-week
delay in filling City positions. This delay should be
conducted within the parameters of our union con-
tracts.

The delay will not apply to sworn members of our
Police Department.

Currently we schedule hiring/promotion meetings
to coincide with needed employment dates. Because of
this, and because some contracts limit our ability to
delay, this action will not have a major impact on City

expenditures. However, staff estimates it can save as much as \$250,000 in 1986.

Referred to the Committee on General Services.

RESOLUTIONS

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0033

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a policy regarding the disposition of vacant lots in Neighborhood Development Areas; and

Whereas, Section 8-403.4 of the City Charter of the City of Lansing requires that City Council approve proposed sales of real estate;

Now, Therefore, Be It Resolved by the Lansing City Council that the following proposed sale be and is hereby approved:

To Gerrit J. Heuer, a married man, the property legally described as the East 8 feet of Lot 4 and the West 24 feet of Lot 5, Block 1, Hall's Third Addition, City of Lansing, Ingham County, Michigan (commonly known as 117 Garden Street, Lansing, Michigan), #3301-21-403-013-3).

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0034

FCF-1-86
Almost Home
900-902 Pierce Road

Whereas, pursuant to Act 28, Public Act of 1977, the State of Michigan, the Michigan Department of Social Services has notified the City of Lansing of its intent to license an adult foster care family home to provide shelter and care for a maximum of three (3) foster adults upon the premises commonly known as 900-902 Pierce Road, more particularly described as:

Lot 11, Sonnenberg's Half Acre Subdivision, City of Lansing, Ingham County, Michigan; and

Whereas, upon review of the application notice, the Department of Planning and Municipal Development found that:

1. There are no other similar licensed facilities, existing or proposed, within 1,500 feet of this proposed facility; and

2. Repairs are necessary to bring the home up to minimum building and fire codes; and

Whereas, the Physical Development Committee of the Council, to whom the report of the Department of Planning and Municipal Development was referred, has reviewed the report and recommends the issuance of a license subject to the following:

1. Certification by the Department of Planning and

Municipal Development and the Fire Prevention Bureau that all code required repairs and alterations have been completed.

Now, Therefore Be It Resolved that the Council of the City of Lansing hereby recommends the issuance of an adult foster care family home license for the above described premises subject to the following:

1. Certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all code required repairs and alterations have been completed.

Be It Further Resolved that the City of Lansing return the application notice to the Michigan Department of Social Services indicating that this proposed facility is located more than 1,500 feet from another similar facility, existing or proposed; and

Be It Finally Resolved a copy of this resolution, and copies of the Safety Inspection Report and the report of the Department of Planning and Municipal Development be attached to the notice and returned therewith.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0035

P-4-85, Wise Wood Acres
Tentative Preliminary Plat Approval

Whereas the preliminary plat of Wise Wood Acres Subdivision has been submitted for tentative preliminary approval; and

Whereas the Planning Board, pursuant to Act 285, P.A. 1931 as amended, has approved and recommends that the City Council approve the preliminary plat subject to conditions; and

Whereas, the Physical Development Committee of Council has reviewed the report of the Planning Board and concurs therewith;

Now, Therefore, Be It Resolved that the tentative preliminary plat of Wise Wood Acres Subdivision is hereby approved subject to the following seven conditions:

1. That the final plat be developed with all public improvements, as required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

2. That all lots shall be graded so surface water will drain therefrom, so as not to adversely affect adjacent properties.

3. That the developer utilize an underground electrical distribution system, as specified in Section 37-33.1 of the Lansing Subdivision Regulations.

4. That the necessary easements be provided for the installation of utilities.

5. That the requirements of all responding agencies be complied with.

6. That the request for a waiver for the minimum lot width of Lot 2 be approved for 67 feet and that the revised "Plan B" be adopted.

7. That this tentative approval of the preliminary plat is effective for a period of twelve (12) months; and

Be It Further Resolved that the City Clerk be, and she is hereby, directed to attach this approval to the Plat and return it to the proprietor.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0036

Resolved by the City Council of the City of Lansing:

HEARING DATE CHANGE

That the date for the public hearing on the proposed ordinance amendment to prohibit, restrict and regulate smoking in the City of Lansing be changed from February 17 to February 24, 1986 at 7 P.M.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0037

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

1. \$280.00 from Fire-Maint. Misc. & Operating Exp.
A/C 101-338-000-741

280.00 to Adm. Services Unscheduled Maint.
A/C 101-265-002-931

(Purchase of carpeting for LFD physical fitness equipment area)

2. \$125.00 from Salary-Overtime
A/C 101-915-000-708

125.00 to Human Resources-Equipment
A/C 101-915-000-977

(Purchase of replacement chair for Program Development Coordinator.)

3. \$5,000.00 from CDBG 11th Year Admin.-Development Fringe Benefits

A/C 251-930-011-715
8,000.00 from CDBG 11th Year Code Enforcement Fringe Benefits

A/C 252-380-011-715
9,000.00 from CDBG 11th Year Rehab. Fringe Ben.
A/C 252-842-111-715

8,000.00 from CDBG 11th Year Rehab.-Projects Salaries and Longevity
A/C 252-842-111-702

1,000.00 from CDBG 11th Year Devel.-Fringe Ben. Proj.

A/C 252-842-011-715
4,000.00 from CDBG 11th Year Devel.-Projects Salaries and Longevity
A/C 252-842-011-702

35,000.00 to CDBG 11th Year Rehabilitation NSA #2
A/C 252-842-011-801.2

(To provide partial funding for waiting list of Rehab. applicants in NSA #2)

4. \$25,000.00 from Planning & Municipal Development CDBG NSA #4 Rehabilitation

A/C 252-842-011-801.4
25,000.00 to Planning & Municipal Development Weatherization-Citywide
A/C 252-842-011-802.5

Recommended by:

JAN LAZAR,
Budget, Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
Ways and Means Committee

By COUNCILMEMBER BLAIR—

I move that we separate the transfers and vote on the transfer for \$125.00 to purchase a replacement chair for Program Development Coordinator separately.

Carried.

By COUNCILMEMBER LINDEMANN:

That we vote on the transfers No. 1, 3 and 4.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BLAIR—

That we vote on the transfer for the Program Development Coordinator's Chair in the amount of \$125.00.

Lost by the following vote:

Yeas: Councilmember Lindemann, Worthington—2.

Nays: Councilmember Adado, Belen, Benavides, Blair, Schmidt—5.

By COUNCILMEMBERS LINDEMANN, WORTHINGTON, SCHMIDT AND BELEN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Councilmember Lindemann presented Committee Report from Special Ad Hoc Committee on the Civic Center & Exhibition Hall. (Adopted 7-0).

Also presented a Consulting Agreement for Facility Management Services, Inc. from Attorneys representing Mr. Robert Rood of Art Craft Display, Inc. and Robert L. Hartley, Jr. of Facility Management Services, Inc.

Referred to the Mayor and Committee on Public Safety and Properties.

Letter from Martin Safell, 3313 Trappers Cove #3A,

citing need for speed limit and stop signs in the Trapper's Cove and Springtree apartment complexes.

Referred to the Mayor and Traffic Department.

REPORT OF COMMITTEE

The SPECIAL AD HOC COMMITTEE ON THE CIVIC CENTER & EXHIBITION HALL—

To whom was referred the proposed Articles of Incorporation of Greater Lansing Convention/Exhibition and Stadium Authority and the proposed amendments to same offered by Councilmember James Blair reports as follows:

In a joint meeting with the Committee on Public Safety and Properties held over a two-day period Feb. 6-7, 1986, the Special Ad Hoc Committee reviewed the proposed Articles of Incorporation and Councilmember Blair's proposed amendment. With the exception of Mr. Blair's amendment to Article IV, Section 7, regarding payment of prevailing wages to regular full-time employees, with which we disagree, the Special Ad Hoc Committee approves the Articles of Incorporation as amended during the joint meeting referenced above.

Signed:

PAT LINDEMANN
Special Ad Hoc Committee on the
Civic Center & Exhibition Hall

By COUNCILMEMBER LINDEMANN—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

February 10, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

As you know, I have directed a two-week delay in City hiring procedures. In order to maintain public safety, I have exempted our sworn police officers from the delay.

I consider this delay to be a first step in a set of procedures to save further City costs. It is likely that I will impose additional selective delays in upcoming weeks.

On your agenda this evening is a resolution that would freeze all City hiring for an indefinite period. A freeze on hiring is not appropriate at this time for three reasons:

1. It would not allow us to maintain essential police and fire services.

2. It would not allow us to fill other essential positions. For example, we have tasks in our waste treatment plant that must be accomplished on a daily basis. If we did not fill positions, we would pay overtime to existing staff. This could cost more money than replacing staff.

3. It possibly is a violation of certain parts of our union contracts. I have asked staff to examine this issue.

Our upcoming financial choices are difficult and will be exacerbated by probable significant Federal funding cuts. Let us take a careful, realistic approach to it. Let us take an approach that provides for public protection and does not waste funds.

I look forward to working with you to resolve this serious issue.

Sincerely,

TERRY J. MCKANE,
Mayor.

Received and placed on file with copy to Committee on General Services.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0038

Resolved by the City Council of the City of Lansing:

Whereas, on June 24, 1984, the City and Charles R. Barnes, Richard A. Barnes and Foster, Schermerhorn Barnes, Inc., entered into an Agreement to develop the Poxson Building; and

Whereas, Charles R. Barnes, Richard A. Barnes and Foster, Schermerhorn Barnes, Inc., have requested amendments to the June 24, 1984, Agreement, and the Mayor has recommended approval of said amendments; and

Whereas, the Committee on Public Safety and Properties has reviewed the proposed amendments, approved the assignment of development rights to new parties to the agreement, and restored a requirement for 10,000 square feet of underground parking in Article I of the Agreement prior to reporting this matter out for consideration by the City Council;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the attached Amendment to Agreement dated June 24, 1984, by and between Charles R. Barnes, Richard A. Barnes and Foster, Schermerhorn Barnes, Inc., and the City of Lansing, Michigan, regarding the redevelopment of city-owned property commonly referred to as the Poxson Building, such Amendment showing a date of February 10, 1986, for identification purposes; and

Be It Further Resolved the Mayor and City Clerk are hereby authorized to execute said Amendment to Agreement on behalf of the City of Lansing; and

Be It Finally Resolved any further proposed amendments to this agreement shall be subject to advance approval by City Council.

Much discussion held.

By COUNCILMEMBER BLAIR—

That we recess for five minutes.

Carried.

Council recessed at 8:30 p.m. and reconvened at 8:35 p.m.

By COUNCILMEMBER BLAIR—

That we amend this agreement on Page 4, line 15,

after the word "promises" by adding "to extend as permitted by law".

Carried.

The agreement and resolution as amended was adopted by the following vote.

Unanimously.

**REMARKS BY THE MAYOR'S
EXECUTIVE ASSISTANT**

None.

REMARKS BY THE CITY COUNCIL

Councilmember Adado questioned Mr. Boyd regarding foot-patrol by Police Department and agreement with firefighters dispatch and firefighters union.

Councilmember Blair spoke regarding the dumping of snow on Westside Park and trucks running across the park and damaging the grassy area. Also trucks from Lansing Twp. area hauling snow to this park.

Sue Neller, Executive Director of the R. E. Olds

Museum introduced the new president Dr. Charles Blackman. Mr. Blackman spoke and thanked City Council and Mayor for their continued support and interest in the Museum. He announced their 5th Birthday Celebration to be on May 18th and submitted the 1985 Annual Report for the Museum.

Clyde Strickfadden, 725 Banghart, questioned automobiles being parked on city streets all night for days at a time and nothing being done about it.

Hazen Briles, 1301 Lansing Ave., spoke regarding his claim on the agenda.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:47 P.M.

RUTH C. WARD
Deputy City Clerk

February 10, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, February 17, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

February 17, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—7.

Absent: Councilman Creamer—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the Council proceedings of January 21, 1986 be approved and Carried.

COMMUNICATIONS AND PETITIONS

Council President Benavides introduced Mayor McKane who escorted Governor James J. Blanchard to the podium to speak.

Governor Blanchard introduced honored guests for the meeting:

Senator William A. Sederburg
Representatives David C. Hollister, Debbie Stabenow, H. Lynn Jondahl

Ingham County commissioners Tom Wilbur, Brian Jeffries, Jean Tubbs, Grady Porter, Richard Lilly and Lynne Martinez.

Governor Blanchard spoke regarding his report on the Revitalization of Downtown Lansing.

GOV. BLANCHARD PRESENTS PLANS FOR STATE-CITY PARTNERSHIP IN REVITALIZING MICHIGAN'S CAPITAL CITY

Governor James J. Blanchard, in an historic appearance before the Lansing City Council, today pledged that state government will work cooperatively with city officials to help revitalize the downtown area of Michigan's capital city.

"There is much state government and the City of Lansing can do together to enhance the image of our capital city—to make it exciting and vibrant to attract visitors and investment," the Governor said.

"I want to work with you to help make Michigan's capital city a place that reflects the beauty and vitality of this great state and its people . . . It's my hope that this meeting will be the beginning of a long and mutually beneficial partnership between this community and state government for the good of all of Michigan."

Gov. Blanchard, believed to be the first governor to appear before the Council, presented his "Report on the Revitalization of Downtown Lansing." the report contains the recommendations of state government task force appointed by the Governor last summer.

The report highlights state efforts already underway, including:

- Constructing the \$39 million Michigan Heritage Center, the new state museum and library complex that will showcase 200 years of Michigan history and serve as a permanent tourist attraction.

- Improving Michigan Avenue from the Grand River to the Capitol to encourage pedestrians to move freely between downtown and the Capitol.

- Preserving and restoring the historic Capitol.

Additional major initiatives outlined in the report include:

- Updating the 30-year-old Capitol Complex Master Plan with the help of city leaders.

- Dedicating the Capitol complex as a public park to dramatically improve the city's major downtown tourist attraction.

- Enhancing entranceways to the capitol complex.

- Evaluating the feasibility of acquiring the Civic Center.

- Establishing a Yes Michigan Center to provide visitors with a dynamic introduction to the capital city and Michigan. The Center would showcase Michigan products and talents and could serve as the home of the Michigan Travel Bureau and as a source of information for visiting officials, school children, tourists and business investors. A temporary center should be designated this summer until a permanent center is established.

—Improving landscaping, lighting and security.

Gov. Blanchard said Robert L. Mitchell, deputy director of the Michigan Department of Transportation and coordinator of public investment for infrastructure, will serve as the state's liaison for these and future efforts.

The Governor said the state-city partnership to revitalize the capital city will benefit all of Michigan.

"Business investors, government officials and other visitors from outside the state often see our capital city before they see any other part of Michigan. Lansing is where they get their first impression of Michigan," he said.

"I want that impression to be the best possible—positive and lasting. This most beautiful of states and the people of Michigan deserve no less."

Councilmembers Blair moved for a 10 minutes recess at 7:30 p.m.

Carried.

Council reconvened at 7:50 p.m.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

PUBLIC DRIVER—Jerry L. Ritchie
RUBBISH HAULER—George Theodorow

Referred to the Committee on General Services.

Suit filed in 30th Judicial Circuit Court by Capitol City Lodge #141 of Fraternal Order of Police and Gary Heck vs The City of Lansing for failure of city to comply with the terms and provisions of the Arbitrator's award.

Referred to the Mayor and City Attorney.

Claims filed by:

a. Police Officer Stephen J. Jex for coat damaged while attending a training session.

b. Donald R. Killeen, Mason, MI for automobile tire damaged due to hitting a hole in the road.

c. Mary E. Guidry for towing of automobile and ticket received for disabled automobile after driving through high water.

d. John A. Rach, Holt, MI for tires damaged due to road dropping off at Pine Tree/Jolly Rd. area.

e. Terry Robison, 4607 Burchfield, for tire damaged due to hitting a pot hole.

f. Richard Deadman, 422 Rosadell, for automobile damaged when street gave out under car at Rosadell & Washington Ave.

g. Attorney Frank J. DeLuca, submits letter on behalf of Roger Lancaster protesting special assessment for weed cutting.

Referred to the Mayor and City Attorney.

Petition filed for rezoning Z-3-86—5700-5800 So. Waverly Rd. described as, Waverly Meadows Subdivision in its entirety, excepting lots 1 & 2, to be rezoned from "A" Residential District to "DM-1" Residential District filed by Bruce Stratton.

Referred to the Mayor and Planning Board.

Petition for Special Land Use SLU-2-86-5700-5800 Blk. So. Waverly for use as a manufactured housing community.

Referred to the Mayor and Planning Board.

Applications filed for Industrial Facilities Exemption Certificates by:

a. Baryames Cleaners, Inc., 2423 Southg Cedar St. for rehabilitation of equipment and new construction.

b. Neogen Corporation, 620 Leshner Place, for new equipment and for rehabilitation of property.

Referred to the Mayor and the Committee on Economic Development.

Industrial Michigan Association submits request for recognition as a non-profit organization.

Referred to the Committee on General Services.

Rosa Killips submits invitation to attend a concert Sunday, May 4, 1986 at the Cristo Rey Community Center.

Received and placed on file.

Letter from Geert D. Mulder & Sons, Inc. protesting change in city policy and charges for subdivision sewer work.

Referred to the Mayor and Committee on Physical Development.

Michigan Public Service Commission submits notice of hearing in the matter of the application of Consumers Power Co. for authority to file and then sell gas under a revised AD-2 Rate Schedule.

Received and placed on file.

MAYOR'S EXECUTIVE ASSISTANT COMMENTS ON ANY ITEM ON THE AGENDA

No comments.

REPORT OF COMMITTEE**The COMMITTEE ON GENERAL SERVICES—**

Approves the following licenses and bonds:

RUBBISH HAULER—George Theodorow
PUBLIC DRIVER—Jerry L. Ritchie

Signed:

PAT LINDEMANN
SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Councilmember Adado left the session.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's letter on a proposal by Mr. and Mrs. Carl Eck to place a bus shelter within the Armstrong Road Right of Way for use by school children reports as follows:

The Mayor recommended approval of placement of the bus shelter provided several conditions are satisfied. Bringing all parties together in an attempt to gather various approvals for a legal and binding agreement is a task best left to the Administration. The Committee hereby refers this matter back to the Mayor for action on the conditions set forth in his February 3, 1986, letter.

Signed:

JAMES BLAIR
LOUIS ADADO
TONY BENAVIDES
Committee on Public Properties and Safety

By COUNCILMAN BLAIR—

That the report of the Committee be adopted.

Councilmember Adado returned to the meeting.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

February 12, 1986

President Benavides and Members
Of Lansing City Council

Re: Claim of Harold Benson in the amount of
\$47.50

Dear President Benavides and
Members of City Council:

On January 13, 1986, Lansing City Council received

a claim from Harold Benson, 4812 Delbrook in the amount of \$47.50 for a sewer line cleaning. The claimant states that in late December 1985, a neighbor's water line broke, and that the Board of Water and Light had to turn off the water in his area to repair it. Immediately thereafter, claimant states his sewer began backing up into his home. Claimant says he called the City five times to demand repairs, that the City responded three times but did nothing, forcing the claimant to contract with a private drain cleaner on December 31 to clean his lines. The contractor's invoice states it had cleaned to the main sewer line by running 80 feet of line (i.e., through the claimant's line), that this did not open the line and diagnosed a possible back up in the main.

Investigation by the Public Service Department indicates the claimant contacted the City on four occasions between December 19 and December 31, but that on one occasion the claimant incorrectly identified his address. After each of the three other calls, City personnel went to claimant's home and checked the main sewer line. Each time the main was clear; on December 19, the responding employee went so far as to unnecessarily jet the main line to show claimant that cleaning the main did not affect the problem in the claimant's own line. The claimant was also told there was no connection between a temporary water shut off and the sewer back up. No other complaints of sewer problems were received in this area.

Michigan law immunizes municipalities from tort liability when they are engaged in the exercise and discharge of a governmental function. MCLA 691.1407. Governmental function was defined by the Michigan Supreme Court as "an activity which is expressly or implicitly mandated or authorized by Constitution, statute or other law". *Ross v Consumers Power Co.*, 420 Mich 567 (1985, on rehearing).

The activity of operating and maintaining a sewer system is expressly mandated by law, as follows: The Home Rule Cities Act, MCLA 117.4f(4), allows municipalities to provide for the operation and maintenance of sewage disposal systems by City Charter and the Lansing City Charter at §8.301 accepts authority to maintain public utilities including sewage disposal. Further, Lansing City Code §27-8 requires private owners to operate and maintain their private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

Based upon the fact that claimant has submitted a bill to have his private line cleaned and the main sewer was not plugged and based upon the law which immunizes the City from this claim, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

February 12, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Todd Lee Schneider in the amount of \$2,120.99

Dear President Benavides and Members of City Council:

Please be advised that the claim of Todd Lee Schneider in the amount of \$2,120.99 has been referred to the Richard Mancini Equipment Company in Sterling Heights, Michigan.

Mr. Schneider's claim arose from damages which he claims were sustained when his vehicle struck a man-hole which was above the street level as he was driving South on Fairview Avenue on November 3, 1985. The work being done on Fairview Street at the time of this incident was being done under contract with the Henry Mancini Construction Company. As a result of this contractual relationship this claim is being referred to them for resolution.

Based on the above, no further action need be taken at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

February 12, 1986

President Benavides and Members
of Lansing City Council

RE: Claim of Mr. & Mrs Robert Madole in the amount of \$62.98

Dear President Benavides and Members of City Council:

Please be advised that the claim of Mr. and Mrs. Robert Madole in the amount of \$62.98 has been referred to ATT-IS for payment.

This claim arose as a result of damage to the Madole vehicle caused by hitting a metal plate in the area of Ottawa and Seymour Streets where was there as a result of the trenching work being done by ATT-IS under City of Lansing permit. Under the provisions of the permit it is the responsibility of ATT-IS to resolve this claim.

Therefore, no further action wither regard to this claim need be taken at the present time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

February 12, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Arnold Henry in the amount of \$139.99

Dear President Benavides and Members
of the Lansing City Council:

The Claimant Arnold Henry of 1308 W. Ionia,

Lansing, Michigan claims that a jacket belonging to him was destroyed by the Lansing Police Department and he seeks reimbursement for the jacket in the amount of \$139.99.

Information from the Lansing Police Department and the claimant indicates that on or about September 19, 1985, an agent for the landlord of the property located at 829 N. Capitol took a jacket from one of the apartments which belonged to the claimant and brought it to the Lansing Police department. This jacket was submitted to the Quartermaster at the Lansing Police Department on the same evening. This jacket was not evidence in any ongoing criminal investigation. On September 20, 1985 a property identification card was mailed to Arnold Henry at the address given by him at the Lansing Police Department. This notice stated that Mr. Henry was free to pick up his property at any time but this must be done within fourteen (14) days. According to the Lansing Police Department, Mr. Henry never contacted them and that on October 20, 1985 the jacket was destroyed. The claimant indicates that he was released from jail on September 27, 1985 and went to the Quartermaster's office on September 28, 1985 to claim the jacket. At that time he was informed by the Quartermaster that the jacket was not there. The claimant further claims that on September 30, 1985 he was accompanied by Detective Rouch to the Quartermaster's office where he again requested the jacket and both he and Detective Rouch were informed that the jacket had been destroyed. Detective Rouch verified the second request of the Quartermaster's office but was unable to verify the date of that request.

Generally a governmental unit is immune for liability for negligence. MCLA 691.1407. In *Ross v Consumers Power*, the Michigan Supreme Court adopted an expanded definition of activities which are governmental in nature and thus are protected by governmental immunity. It is clear that the function of the police department of receiving and retaining custody of property which is part of a criminal investigation is a governmental function and would fall within the purview of governmental immunity.

In this case, however, it is clear that the jacket in question was not being used in a criminal investigation.

Based upon the facts, applicable law, and other considerations set forth above, it is the recommendation of this office tht this claim should be granted in the amount of \$139.99 to replace the jacket which was destroyed.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$139.99 payable to Arnold Henry.

Carried.

February 12, 1986

Mayor Terry McKane,
Council President Antonio Benavides,
and City Council Members

RE: Capitol Commons Refinancing EDC Project

Dear Mayor McKane and Council Members:

At a special meeting of the Lansing Economic Development Corporation Board of Directors held on February 11, 1986, a Resolution Amending Prior Resolutions and Recommending a Third Amended Project Plan was approved by a vote of 6-0 (copy of Resolution and Amended Project Plan enclosed) for the Capitol Commons Office Project.

This amendment will authorize issuance of a refunding bond for \$975,000 to redeem the outstanding bonds for Capitol Commons; the refunding bond bearing a lower interest rate than the outstanding bonds.

Prior to acting on this recommendation by the EDC Board of Directors, the Council must hold a public hearing, in accordance with applicable state and federal regulations.

Feel free to contact me if you have any questions.

Sincerely yours,

EMERSON B. OHL,
Executive Director

Referred to the Committee on Economic Development.

February 12, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

You have asked me what I am doing in order to begin to take bookings for the Exhibition Hall. You have also asked about a proposal made by an external group to handle bookings and management on an interim basis for \$10,000 per month plus \$10,000 for promotional activities.

Let me answer the second question first. The City Attorney and Purchasing Director have indicated that under your Purchasing Ordinance we can only enter into a contract for such professional services following the Request for Proposal process. Purchasing estimates that would require two months to complete. Law has indicated that the emergency provisions of that ordinance do not apply as they would not constitute a hazard to the "health, welfare or safety" of the citizenry. We cannot wait that length of time to act.

I have therefore administratively acted and have directed Jo Flaherty of my staff to serve as temporary booking agent for the facility. She has initiated installation of two "800-Toll Free" telephone lines, both in-state and long distance, to reserve bookings. We will also have a local number established. All three of these lines will be transferred when the Authority is established and commences its activities.

Ms. Flaherty is contacting Ms. Dozier, Mr. Carroll and Mrs. Ross to coordinate publication of these telephone numbers so bookings can begin. Additionally, she is placing advertisements and preparing a brochure which will be disseminated to begin letting groups know we are here and taking bookings.

Finally, I have had members of my administration,

after consultation with other facilities locally and regionally, prepare a rate structure that we can utilize to make bookings, and Law is drafting lease agreements which can be used and making them transferable to the new Authority.

This is what I have done.

You asked what you as Council can do to help facilitate the process. You can do three things:

Pass the Articles of Incorporation Monday, February 17, I sent these two weeks ago, and they need immediate action.

Pass the proposed transfers. Delay of the transfer will delay awarding of the bids. That jeopardizes the construction schedule and thus could delay opening of the facility.

3. You can act *promptly* on my appointments to the Authority Board. I will send them to you February 24 if you pass the Articles of Incorporation on February 17, and would strongly request that you act on them by March 3rd.

If you do these three things, we can look to the long anticipated opening of our new facility. If you don't do these things in the time frames indicated, you are delaying progress and I can't proceed any further.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/11/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Transportation Engineer, Dave Berridge

Re: Crossing Guard Study—Brighton and
Stillwell

The attached information and recommendation are submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/13/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Lansing Police Department

Re: Neighborhood Oriented Policing
(NOP)

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/13/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Development Dept.
Director

RE: P-11-77/86, Recertification of Tammany Hills
#4—Final Plat

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Develop-
ment.

DATE: 2/13/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Director

RE: ACT-2-86, North East St.—Vacation of Three
Portions

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and
Properties.

DATE: 2/13/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Director

RE: ACT-35-85, Vacation of Hein Ave.

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to Referred to the Committee on Public
Safety and Properties.

DATE: 2/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Director

RE: Quarterly Municipal Parking System Financial
Statement December 31, 1985

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 2/13/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Director of Planning & Municipal Develop-
ment

RE: Request for comments on Community Energy
Management Program

The attached correspondence is submitted with my
concurrence on submission of the grant request. I do
not recommend a transfer at this time but will do so if
the grant is approved, or include it in the proposed
budget, depending on the date of the grant, if
awarded.

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

DATE: 2/13/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from R. E. Hatton, General Manager, CONRAIL

RE: Acquisition of Conrail's MA Tower for Lansing/
North Lansing Electric Railroad Museum

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

RESOLUTIONS

By COMMITTEE OF THE WHOLE—

RESOLUTION #0039

Resolved by the City Council of the City of Lansing:

Whereas, the South Lansing Business Association
plans to honor Gordon L. Long at their February 19,
1986, meeting by naming him South Lansing Business
Person of the Year; and

Whereas, Gordon Long was one of the founder of

the S.L.B.A. in the late 1970's, creating the organization to promote business development and an active exchange of ideas among merchants in south Lansing; and

Whereas, the S.L.B.A. has become an energetic force for progress and new development, with such noteworthy programs as their series of Las Vegas Nights to raise funds for the benefit of public schools on the south side; and

Whereas, the spectacular grand opening of the Clarion Hotel and Convention Center as a major hospitality site in the Greater Lansing area, as well as the success of other development projects over the past several years make Gordon L. Long most worthy of recognition by the S.L.B.A.;

Now, Therefore, Be It Resolved the Lansing City Council hereby commends and congratulates the South Lansing Business Association for making Gordon L. Long the recipient of the first annual South Lansing Business Person of the Year Award.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0040

Resolved by the City Council of the City of Lansing:

Whereas, the City Council desires that the code of Ordinances by analyzed, updated, reorganized and recodified by a qualified firm under the terms of a professional service contract; and

Whereas, the City received two proposals from pre-qualified firms in response to Request for Proposals RFP 85-76, Recodification of Lansing City Code and Compilation of Selected Resolutions; and

Whereas, following detailed review of the proposals by staff, a consensus recommendation was made to the Council by a staff subcommittee, the Mayor, the City Clerk, the City Attorney's office, and the Committee on General Services that Justinian Publishing Company of Cleveland, Ohio, be selected to perform the recodification;

Now, Therefore, Be It Resolved, the Lansing City Council hereby selects the Justinian Publishing Company of Cleveland, Ohio, to perform Recodification of the Lansing Code of Ordinances and Compilation of Selected Resolutions; and

Be It Further Resolved the City Council authorizes the Mayor and/or his designees to work with the Committee on General Services to negotiate a professional service contract with Justinian that will specify all work to be performed, timetables and deadlines, and City Council responsibilities toward completion of the project; and

Be It Finally Resolved the Negotiated amount of the contract's cost to the City shall be submitted in a timely fashion to the Committee on Ways and Means for preparation of an appropriation.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0041

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division determined that the building located at 1447 Roosevelt, Lansing, Michigan legally described as

1447 Roosevelt, Lot 204, N. 16 Ft Lot 205, Knollwood Park Subdivision

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on November 21, 1985, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on January 13, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0042

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division determined that the building located at 6420 Hilliard Rd., Lansing, Michigan legally described as

6420 Hilliard, Lot 77 Supervisors Plot of Radio Estates

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on September 26, 1985, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on January 27, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0043

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division determined that the building located at 5912 Pheasant, Lansing, Michigan legally described as

5912 Pheasant, Lot 108, Webster Farm Sub. No.

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on September 26, 1985, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on January 27, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By PUBLIC SAFETY AND PROPERTY
COMMITTEE—

RESOLUTION #0044

Resolved by the City Council of the City of Lansing:

Whereas, employees of the Fisher Body Plant and others are parking their motor vehicles for extended periods of time in areas surrounding the Fisher Body Plant while working or conducting other business,

Whereas, many of these motor vehicles are parked in violation of posted parking regulations in the area, and

Whereas, these motor vehicles which are parked in violation of City Ordinances are creating a lack of parking and hazardous traffic conditions to area residents and area business patrons, and

Whereas, the increased penalty provision for parking violations in the Fisher Body Plant area would provide a greater deterrent to refrain from such violations, and

Whereas, on December 9, 1985 City Council adopted an ordinance providing for increased parking fines in areas designated by Council as Industrial Parking Zones,

Now, Therefore, Be it Resolved that the following streets and the areas located within the boundaries of the following streets be designated an Industrial Parking Zone:

Michigan Avenue on the south;
Saginaw Street on the north;
The Pennsylvania Central railroad tracks on the west;
Jenison Avenue on the east.

Be It Finally Resolved that the City Traffic Engineer and the City Police Department are requested to vigorously enforce the parking regulations in the Industrial Parking Zone.

By COUNCILMEMBER BLAIR—

That we amend this resolution the 6th paragraph, third line, by changing the word "Industrial" to "Special".

Carried.

The resolution as amended was adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0045

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing adopted ACT-4-85 on August 19, 1985 Resolution #0392 transferring property to the Board of Water and Light; and

Whereas, the Board of Water and Light has no interest in ownership, and has no objection to the City selling the property;

Now, Therefore, Be It Resolved, the Lansing City Council approves the sale of the following described property to the adjacent property owner.

The West 10 feet of the east 32 feet of the South

26.13 feet except the South 7 feet of Lot 4, Block 111, Original Plat, City of Lansing, Ingham County, Michigan

Be It Further Resolved, that the property be sold subject to utility easements and that no building shall be built upon said easement without written permission of the Board of Water and Light.

Be It Finally Resolved, that the property be sold at the current market value as appraised by the City Assessor's office.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0046

Resolved by the City Council of the City of Lansing:

Whereas, the State Fire Marshal's Office is engaged in a program to delegate enforcement authority for certain State fire safety rules to State certified fire safety inspectors employed on a full-time basis by local units of government; and

Whereas, the program provides for delegation of enforcement authority for operation and maintenance fire inspections of public and private school buildings within local jurisdictions; and

Whereas, the Fire Department has received letters from school officials of each public and private school within the City indicating their desire to have operation and maintenance fire safety inspections within their school buildings conducted by State certified inspectors employed by the Lansing Fire Prevention Bureau;

Now, Therefore, Be it Resolved that the City of Lansing is desirous of participating in that portion of the State program delegating enforcement authority to State certified inspectors employed by the Lansing Fire Prevention Bureau of the Fire Department for operation and maintenance fire safety inspections within public and private school buildings located in the City of Lansing.

Adopted by the following vote:

Yeas: Councilman Adado, Belen, Benavides, Lindemann, Schmidt, Worthington—6.

Nays: Councilman Blair—1.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0047

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-6-85, at property commonly known as 3366 Remy Drive; and

Whereas, Speaker-Hines & Thomas, Inc has applied for an Industrial Facilities Exemption Certificate for replacement and renovation of equipment and machinery in the facility; at 3366 Remy Drive; and

Whereas, it is necessary to hold a public hearing

prior to this council's taking action on Speaker-Hines & Thomas's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-6-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 3, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0048

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-6-85, at property commonly known as 3366 Remy Drive; and

Whereas, Speaker-Hines & Thomas, Inc has applied for an Industrial Facilities Exemption Certificate for new equipment and machinery in the facility; at 3366 Remy Drive; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Speaker-Hines & Thomas's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-6-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 3, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC
DEVELOPMENT—

RESOLUTION #0049

LANSING CITY COUNCIL
RESOLUTION APPROVING PROJECT

AREA, ESTABLISHING
PROJECT DISTRICT AREA
AND CONFIRMING APPOINTMENT OF
ADDITIONAL DIRECTORS TO THE BOARD
OF DIRECTORS OF THE ISSUER
(RSI Wholesale, Inc. Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on February 17, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt, and Worthington, and the following were absent: Councilman Creamer.

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Lansing and its residents to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

Whereas, the Act provides a means by which these needs may be addressed; and

Whereas, RSI Wholesale, Inc., a Michigan corporation, on behalf of itself and/or its wholly owned subsidiary, E & E Wholesale Supply, Inc., a Michigan corporation and/or a partnership to be formed, whose principals will include Roger J. Ciapara and/or Paul E. Mullins, who are at present the sole stockholders of RSI Wholesale, Inc., has notified the Issuer of a project that would assist in the alleviation of the aforementioned conditions; and

Whereas, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Council for its approval thereof.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

Lots 4, 5, 6, 7 and E 5.42 R Lots 8, 9 and 10 Amos Turners Sub of Lots 1, 2, and 3 Block 16, also Lot 1 and com E line Lot 24 assessor S Plat No. 32 126.13 ft N of SE cor, Th W'y to Ne cor Lot 23, W 3.18 ft, N 132 ft, E to NE cor Lot 24, S 104.87 ft to Beg; Block 1.

Assessor S Plat No. 32 more commonly known as 634 East Grand River Avenue, Lansing, Michigan.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the

same description as the Project Area herein certified as approved is hereby established.

3. Pursuant to Section 20(b) of the Act, a Project Citizens District Council is not required for the Project and therefore, such a Council shall not be formed.

4. This City Council hereby advises and consents to the appointment by the Mayor of the City of Lansing of Robert Forgrave and Kevin Kevwitch as additional directors to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 17th day of February, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC
DEVELOPMENT—

RESOLUTION #0050

LANSING CITY COUNCIL
RESOLUTION APPROVING PROJECT
AREA, ESTABLISHING
PROJECT DISTRICT AREA
AND CONFIRMING APPOINTMENT OF
ADDITIONAL DIRECTORS TO THE BOARD
OF DIRECTORS OF THE ISSUER
(Art Van Furniture Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on February 17, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt, and Worthington, and the following were absent: Councilman Creamer.

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Lansing and its residents to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

Whereas, the Act provides a means by which these needs may be addressed; and

Whereas, a project has been proposed (the "Project") to The Economic Development Corporation of the City of Lansing (the "Issuer") which assist in the alleviation of the aforementioned conditions; and

Whereas, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Council for its approval thereof.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

Lots 6, 7 and 8, except the North 10 feet of Lot 8, Midway Plaza, Sub. No. 1, City of Lansing, Ingham County, Michigan and Parcel No. 1: That part of the Southwest ½ of Section 3, T3N, R2W, City of Lansing, described as beginning on the West right of way line of Pennsylvania Avenue at a point 1198.8 feet North and 57.75 feet West of the South 1/8 post of the Southwest ¼ of Section 3, T3N, R2W, thence West 254.8 feet, thence North 80.0 feet, thence East 254.8 feet, thence South 80.0 feet on the West right of way line of Pennsylvania Avenue to the point of beginning and Parcel No. 2: that part of the Southwest ¼ of Section 3, T3N, R2W, City of Lansing, described as beginning at a point 1198.8 feet North and 312.55 feet West of the South 1/8 post of the Southwest ¼ of Section 3, T3N, R2W, thence West 17.05 feet, thence South 80.0 feet to the point of beginning.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area herein certified as approved is hereby established.

3. Pursuant to Section 20(b) of the Act, a Project Citizens District Council is not required for the Project and therefore, such a Council shall not be formed.

4. This City Council hereby advises and consents to the appointment by the Mayor of the City of Lansing of Timothy Nichols and Ronald Lott as additional directors to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said persons being

representative of neighborhood residents and business interests likely to be affected by the Project.

The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

Yeas—Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 17th day of February, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

Councilman Blair left the session.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from the Board of Water and Light regarding Convention/Exhibition Center and Michigan Avenue Bridge over Museum Drive.

Referred to the Mayor and the Committee on Public Safety and Properties.

By COUNCILMEMBER SCHMIDT—

RESOLUTION #0051

Resolved by the City Council of the City of Lansing:

Be It Hereby Resolved that Joan Clark shall be granted ninety (90) days severance pay with fringe benefits provided she releases the City of Lansing and its officers and personnel from any claim she may have against it based upon or arising out of her employment.

Adopted by the following vote:

Yeas: Councilmember Adado, Belen, Benavides, Lindemann, Schmidt—5.

Nays: Councilmember Worthington—1.

Councilman Blair returned to the session.

By COUNCILMEMBER SCHMIDT—

RESOLUTION #0052

Resolved by the City Council of the City of Lansing:

That Councilman Creamer be excused from the session.

Carried.

By WAYS AND MEANS COMMITTEE—

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$125.00 from Reserve for Contingency
A/C 101-941-000-963
125.00 to Human Resources-Equipment
A/C 101-915-000-977
(Replacement chair for Prog. Development Coord.)

\$100,000 from Estimated Revenues
A/C 101-000-000-160
100,000.00 to Exhibition Hall-Operation
A/C 101-934-086-969
(Initial Exhibition Hall start-up operations)

\$426,037.00 from General Fund-Estimated Revenue
A/C 101-000-000-160
426,037.00 to Exhibition Hall
A/C 101-936-120-975
(Additional Convention/Exhibition construction funding)

\$1,385,000.00 from Gen. Fund-Estimated Revenue
A/C 101-000-000-160
1,385,000.00 to Exhibition Hall
A/C 101-936-120-975
(Additional Convention/Exhibition construction funding)

1,385,000.00 from Parking System-Contributed Capital
A/C 585-000-000-399
1,385,000.00 to Parking System-Return of Contributed Equity
A/C 585-600-000-999
(Return of contributed equity by the Gen. Fund to the Parking Fund)

\$50,000.00 from Parking System-Exhibition Hall-Design

A/C 585-936-415-810
45,000.00 from Parking System-Exhibition-Contingency
A/C 585-936-415-960
840,000.00 from Parking System-Exhibition Construction

A/C 585-936-415-975
50,000.00 from Parking System Exhibition—Inspection & Testing
A/C 585-936-415-815
685,000.00 to Parking System-Retained Earnings
A/C 585-000-000-395

300,000.00 to Parking System-Depreciation Extension and Reserve

A/C 585-000-000-377
(return of funding to retained earnings & return of funding to Depr. Ext. & Reserve)

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
JAMES BLAIR
SIDNEY WORTHINGTON
Ways and Means Committee

Much discussion was held and questions asked in regard to the transfer of funds dealing with the Exhibition Hall.

By COUNCILMEMBER ADADO—

That the transfer of funds dealing with the Exhibition Hall be held for one week until some questions have been answered.

Discussion and comments were made.

The following vote was taken on the above motion.

Lost by the following vote:

Yeas: Councilman Adado—1.

Nays: Councilman Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—6.

By COUNCILMAN ADADO—

That the transfer of funds be voted on separately and the transfer of funds in the amount of \$125.00 be voted on—Carried.

The following vote was taken on the transfer of funds in the amount of \$125.00.

Adopted by the following vote:

Unanimously.

The transfer of funds dealing with the Exhibition Hall was voted on.

Adopted by the following vote:

Yeas—Councilmember Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—6.

Nays—Councilmember Adado—1.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

No comments.

REMARKS BY THE CITY COUNCIL

Councilmember Adado asked when the snow plows began to work on the snow.

Gary Goolsby, 914 W. Ionia Street, representing the Downtown Neighborhood Association spoke on the Governor's ideas for revitalizing the downtown area.

Charles A. Jurasek, 3200 Reo Road, spoke regarding snow being plowed from housing units into the street.

John Hopkins, 1013 Climax, spoke regarding condition of building on the corner of Cedar St. and Michigan Avenue where construction has been taking place around it.

Max Creaser, 920 Stanley Street, spoke regarding the dumping of snow on the park across from his house by BOC and Fisher Body. The trucks have been working 24 hrs. a day and the park is torn up from it.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:55 P.M.

RITA M. BAUMAN,
City Clerk

February 17, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, February 24, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

February 24, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance was led by Councilmember Lindemann.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

February 24, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as:

Z-31-85—5542-5600-5614 and vacant lot south of 5614 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial and "D-1" Professional Office District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Referred to the Committee on Physical Development.

February 24, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on

March 7, 1983 said proposed amendment being as follows:

That the property described as:

Z-32-85—1800 Block of Todd Avenue to be rezoned from "DM-3" Residential District to "J" Parking District and part from "DM-3" Residential to "C" Residential District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Referred to the Committee on Physical Development.

PUBLIC HEARING

February 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance to amend Chapter 21—Nuisances—of the City of Lansing, by adding new sections numbered 21-25 through 21-37 inclusive, so as to regulate, restrict, and prohibit smoking in public places and office work places within the City of Lansing and to provide a method of enforcement and penalties for violations of smoking regulations.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed no-smoking Ordinance they would have the privilege of speaking at this time.

In Favor—Letters from Janet McConnell, 8619 Kreppe Rd., Laingsburg, MI
Deborah Mulcahey, 713 W. Genesee

Opposed—Letters from Darlene Dixon, P.O. Box 27337

John T. Hopko, Wausau Insurance Co.
Larry Meyer, Michigan Retailers Association

Speakers in favor of the Ordinance were:
Paul Gouin, 1091 E. Jolly Rd
Thomas Franke, 30213 Boston Blvd.
Lloyd Head, 428 N. Francis

Dr. Ernest Romph, 4727 Gull Rd. representing American Cancer Society
Dr. Larry Rawsthorne, Okmeos, MI
Fred Rodriguez, 1211 W. Michigan Ave.

Mary Ann Bishop, E. Lansing
Cinda Eltzrath, 600 E. Holmes Rd.
Margaret Curtin, 5412 W. Willow Hwy.
Tom Downs, East Lansing
Paul Ziegenhagen, 3333 Moores River Dr.
Carol Seabright, 114 Park West Drive
Robert Hollis, 2724 LaSalle Gardens—resrepresenting
American Cancer Society
Helen LeBlance, 2021 Cumberland Rd.
Karen Krzanowski, East Lansing, representing
American Lung Assoc.
Dr. Richard Homcky, Michigan State University
Jack Meeks, Mason, MI
Robert G. Smith, 4093 Seymour, American Lung
Association
Dr. C. J. Stringer, E. Lansing
Richard Clousing, 501 W. Lenawee
Betty Gardner, 920 LeGrand
Harry Pearlstadt, E. Lansing, MSU professor

(Ten Minute Recess—Started at 9:25 P.M. and
reconvened at 9:38 P.M.)

Barbara Webster, E. Lansing, Ingham Co. Health
Dept.

Gloria A. Fleming, 2224 Pamela Place
Alex Sagady, 2710 Stoneleigh, American Lung Assoc.
Al LeBlanc, 2021 Cumberland Rd.
Lola Buckingham

Speakers against the Ordinance were:
Joe Covellos, 535 E. Michigan Ave. representing
Covellos's

Donald Horton, 4451 W. Holt Rd., Holt, MI
Dennis Muchmore, Michigan Tobacco & Candy
Distributors and Vendors Assoc.

Richard Studley, State Chamber of Commerce
Derwood Root, owner Dagwood's Restaurant and
Bar

Chris Bergin, 1831 Vassar Dr.—representing Fron-
tier Bar

Nancy Baltor, Ph.D., Georgetown University
Mary Haney, 403 E. Grand River, Buck and Mary's
Sharene Smith, Capital Cigar & Candy Co.
Walter Maner, Michigan Tobacco & Candy
Distributors and Vendors Assoc.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CI-
TY COUNCIL ON ANY OF THE FOLLOWING
ITEMS LISTED ON THE AGENDA:
COMMUNICATIONS AND PETITIONS,
COMMITTEE REPORTS, REPORTS OF CITY
OFFICERS AND BOARDS AND RESOLU-
TIONS. YOU MAY SPEAK ONLY FOR
3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been
submitted for licenses:

Public Drivers—William A. Gierke, Jr., Dean C.
Campbell.

Referred to the Committee on General Services.

Claims filed by:

a. Jerome Kuhn, 1216 Parkview Street, incurred for
towing and storage fees of motorcycle from being im-
pounded by the Police Dept. for a case.

b. Attorney Peter J. DeRose, on behalf of Gregory
R. DeRose, for reimbursement of special assessment
payment for property located at 209 S. Hosmer.

c. James R. Bradshaw, 1111 Kimberly Dr., Apt. 1,
for damages to right front wheel and tire from hitting
a pothole.

Referred to the City Attorney.

George F. Smnalley, 213 E. Mt. Hope, files request
for limousine license.

Referred to the City Attorney and Committee on
General Services.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letter 4a (CATA Bus Staging Area—
Recommendation from Planning Board and Traffic
Board); 4b (Revenue Needs: Fund Alternatives); 4d
(The Salvation Army: Services available to Lansing
residents); 4g1 (Letter of Commendation for: Detec-
tive Dean Temple, Lansing Police Dept.); 4g2 (Letter
of Commendation for maintenance of Lansing City
Streets) and 4h (Graves v City of Lansing, et
al—Court of Appeals Docket No. 75646).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—William A. Gierke, Jr., Dean C.
Campbell, Steve Corson, Jr., Kenneth K. Schaefer.

Signed:

SIDNEY WORTHINGTON
PAT LINDEMANN
LOUIS ADADO
Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PHYSICAL
DEVELOPMENT—

To whom was referred the rezoning petition
—Z-30-85, 405 E. Holmes Rd. to be rezoned from
“DM-3” Residential District to “E-2” Local Shop
District reports as follows:

That said rezoning be approved.

Signed:

LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

February 14, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Jack Bergeron in the amount of
\$87.28

Dear President Benavides and
Members of Lansing City Council:

On November 18, 1985, Jack Bergeron, 801 N. Pine Street, Lansing, filed a claim in the amount of \$87.28 for damages caused by a City employee who in the course of his duties cut a tree limb which fell on claimant's chain link fence.

Investigation by the City Parks and Recreation Department confirmed the incident occurred on November 8, 1985. The investigatory report stated that the accident was unintentional and "unavoidable due to tight working conditions." While the City may be able to raise the defense of governmental immunity in this case, the employee who performs a ministerial act such as in this case has no similar immunity and may be held liable.

Based on City policy regarding such situations, this office recommends that this claim be settled for the amount requested.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$87.28 payable to Jack Bergeron.

Carried.

February 20, 1986

President Benavides and Members
of the Lansing City Council

Dear Councilmembers:

Attached herewith are applications for Public Drivers Licenses for Robert Lee Neeley and Theodore Rowyn Gerow that were returned unsigned from the Lansing Police Department. The reason for denial is attached.

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on General Services.

Mayor Terry McKane,
9th Floor, City Hall

Dear Terry,

I want to share some personal thoughts with you and the members of your Administration. I request that copies of this letter be posted on bulletin boards at all City work stations.

Monday, February 17, 1986, was a most historic milestone for the relationship between the State of Michigan and Lansing, the Capital City, Governor Blanchard and his task force have set us all on a new course toward a more dynamic Lansing. I have often heard the complaint about the lack of a local benefactor such as the Mott Foundation in Flint, or Amway in Grand Rapids, which hurts our ability to embark on large progressive developments downtown. I believe our new partners in progress, the State of Michigan and the private sector of the Greater Lansing Area, have stepped forward and extended their hands.

I do not mean to belittle our past accomplishments and successes. Many people within this City government have worked very hard to bring us to this stage. But lately, as we attempt to manage one crisis after another, decision-making and action seem to fall to the same small group of individuals while so many other competent employees literally *stand aside*.

As President of the Lansing City Council, I feel that all of City Hall requires a bit of attitude adjustment. I know that the talent within our work force is first-class. Most employees were hired for their imaginations as well as their skills, because they wanted to be part of the process of creating a better city. Unfortunately we have our ways of discouraging creativity through criticism that is often too quick and too harsh. I have seen this happen here in Council Chambers and in Council committee meetings.

As a result, too many talented and energetic employees have stopped thinking out loud. No one is developing bold ideas for Lansing's future because there is a wariness of criticism from members of City Council. An attitude has arisen that it is safer to keep quiet than to vigorously defend new ideas.

My advice to you, Mr. Mayor, and to each person working for this City, is the time is *now*. The window of opportunity has been opened by the Governor. Dare to dream of a better Lansing for our children, then let us all work together to make these dreams come true. Put away cynicism and the "It won't work" attitude, and don't be afraid to stand your ground with City Council or anyone else. be positive and willing to *work hard* with everyone.

Remember Governor Blanchard's statement from the report he gave us last Monday: "Everyone concerned about the future of This city must work together in a spirit of open communication and cooperation if we are to achieve our goal." this signal for a new attitude will not only help us revitalize our downtown and become a vibrant Capital City, but can even help us cope with short-term problems such as the loss of Federal Revenue Sharing.

So let's get to work. NOW!

Sincerely,

TONY BENAVIDES,
President

Referred to the Mayor.

DATE: 2/19/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Lansing Traffic Board

RE: Relocation of CATA Staging Area

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

February 19, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

As my staff and I have informed you on several occasions, the City faces a serious revenue shortfall over the next budget year and beyond. This problem has several causes. Primarily it is caused by projected reductions in Federal revenues to City programs. However, it is exacerbated by several City spending needs. These include underfunding for the exhibition center, the cost of Edgewood Blvd, and other projects, our need to re-build an adequate fund reserve, and the need to improve neighborhood police protection and some other essential services.

Staff has been working to provide me with tentative estimates regarding the budget problem. It is probable that I will be forced to recommend two increased revenue sources as part of my 1987 budget message.

First, I may propose that we institute a one percent tax collection fee provided for by state law. It is already used by most large Michigan cities. It would increase our 1987 revenues by an estimated \$850,000. This fee is designed to defray the costs of tax collection services the City provides on behalf of the schools, the County, Lansing Community College and CATA.

Second, I may propose an increase in our millage level. In Lansing, a one-mill increase raises about \$1.2 million. It is likely that I would recommend a 1.3-1.7 mill increase. Such an increase would put us near the average millage rate of cities that also collect income taxes.

Last year you provided me with a list of your 1987 budget priorities. I am considering these carefully as I develop my budget recommendations for your consideration. If you also wish to comment regarding a possible tax increase versus a cut in services, I will be pleased to receive it before I finalize my recommendations.

As always, my staff and I are prepared to meet with you to discuss this issue.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee of the Whole.

DATE: 2/18/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from James W. Kzeski, Building Safety Director

RE: Request for Public Hearings:
130 South Eighth
915 Clark Street
1103 North Walnut
1701 South Washington

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the public hearings for these properties be set for March 17, 1986.

Carried.

DATE: 2/19/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Les Morrall of The Salvation Army

RE: Services available to local Lansing residents

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 2/20/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from James N. Foulds, Lansing Planning Division

RE: ACT-34-85, Vacation of Portions of Dead-end Streets in the Southfield Subdivision, Act 285 Review

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/20/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from James N. Foulds, Lansing Planning Division

RE: Z-1-86, 5510 S. Logan St.

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Develop-
ment.

DATE: 2/20/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Meredith Bassler, National Council on
Alcoholism, Inc.

RE: Letter of Commendation for Detective Dean
Temple, LPD

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/20/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Bonnie E. Zell, Photographer

RE: Letter of commendation regarding Maintenance
of Lansing City Streets

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/20/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Attorney Thomas A. Baird, Foster, Swift,
Collins & Coey, P.C.

RE: Graves v City of Lansing, et al Court of Appeals
Docket No. 75646

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 2/20/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Jan Lazar, Budget Director

RE: Transfer of Funds

The attached correspondence is submitted with my
concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

Councilmember Worthington moved to discharge
the Committee on General Services and submit the
following resolutions under his name.

Carried.

RESOLUTIONS

By COUNCILMAN WORTHINGTON—

RESOLUTION #0053

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has submitted an executive
reorganization plan that would consolidate all city real
estate management functions within the Development
Division of the Planning and Municipal Development
Department; and

Whereas, section 4-301.7 of the City Charter re-
quired the City Council to study and conduct a public
hearing on any reorganization plan proposed by the
Mayor;

Now, Therefore, Be It Resolved the Lansing City
Council hereby authorizes the City Clerk to schedule
and announce a public hearing for 7:00 PM on Mon-
day, March 3, 1986, in the 10th floor Chambers of
City Hall, for the purpose of receiving public com-
ment on the reorganization plan proposed by the
Mayor that would consolidate real estate management
functions within the Development Division.

Adopted by the following vote:

Unanimously.

By COUNCILMAN WORTHINGTON—

RESOLUTION #0054

Resolved by the City Council of the City of Lansing:

Whereas, a request has been forwarded on behalf of Industrial Michigan Association for a resolution of recognition as a local non-profit organization providing services to residents of Lansing, in order to fulfill Bureau of the State Lottery requirements for a license to hold a raffle fundraiser; and

Whereas, Industrial Michigan Association is a non-profit, tax-exempt organization under the provisions of Internal Revenue Service section 501(c)(3);

Now, therefore, Be It Resolved the Lansing City Council hereby recognizes the Industrial Michigan Association as a non-profit service organization operating in Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0055

Resolved by the City Council of the City of Lansing:

ACT-2-86

North East Street

Whereas, the City's Property Management Division has requested that certain unused portions of North East Street be vacated or placed on the tax rolls; and

Whereas, these properties can be more particularly described as:

A. North East Street—Beginning on the west section line of Section 10; thence north from the north line of Oakland to the center line of Porter Street extended; thence east 41 feet, more or less; thence south to the north line of Oakland; thence west 41 feet to the place of beginning, Section 10, T4N, R2W, City of Lansing.

b. The west 10 feet of Lots 10 and 11 in Wiley's Subdivision of Lot 21 of Seymour's Sub. on the southwest quarter of Section 10, T4N, R2W, City of Lansing, Ingham County, Michigan.

C. North East Street—Beginning on the west section line of Section 10; thence north from the north line of May Street extended 132 feet more or less; thence east 41 feet, more or less; thence south to the north line of May Street extended; thence west 41 feet more or less, to place of beginning, Section 10, T4N, R2W, City of Lansing; and

Whereas Parcels A and C are to be vacated to Conrail and Parcel B is to be placed on the tax rolls as a no name parcel and sold; and

Whereas; the Planning Board has reviewed the disposal of the parcels in accordance with Act 2895 of the Public Acts of 1931 and found there to be no compelling reason to retain them;

Now, Therefore, Be It Resolved that the Lansing City Council empower the Property Management Division to dispose of these parcels as appropriate; and

Be It Further Resolved that no billboard or private commercial advertising be permitted on Parcels A, B or C; and

Be It Finally Resolved that in the individual deeds

conveying Parcels A, B and C that a restriction be provided that no billboard or other private commercial advertising shall be placed on these particular parcels and if any private commercial advertising or billboard is placed on any of the individual parcels, the parcel shall revert back to the City.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0056

Resolved by the City Council of the City of Lansing:

ACT-35-85

Hein Avenue Vacation

Whereas one property owner adjacent to the unimproved portion of Hein Avenue, requested the City to vacate said portion, which measures 66 feet by 107.25 feet; and

Whereas, the Planning Division has conducted an Act 285 review and found the request reasonable since the property will not be necessary for street access and has been a continual maintenance problem; and

Whereas, the Planning Board has reviewed the staff recommendation to vacate the aforementioned parcel according to state law, which requires the property be split equally between the two adjacent property owners; and

Whereas, the Committee on Public Safety and Properties concurs in the report of the Planning Board;

Now, Therefore, Be It Resolved that the City Council approves the request to vacate the unimproved, unused portion of Hein Avenue west of Kyes Road in accordance with the State of Michigan Plat Act and that the vacated portion of Hein Avenue be properly recorded with the Ingham County Register of Deeds by the Property Management Division of the Administrative Services Department.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0057

Resolved by the City Council of the City of Lansing:

Whereas, the City retained the services of the consulting firm of Coliseum Consultants, Inc., to review and recommend the form of management for the proposed Convention/Exhibition Hall; and

Whereas, Coliseum Consultants, Inc. recommended to the Mayor and City Council that an independent authority operate the proposed Convention/Exhibition Hall; and

Whereas, Coliseum Consultants, Inc. further recommended the continued utilization of the Civic Center in conjunction with the commencement of the operations of the Convention/Exhibition Hall operation; and

Whereas, the Mayor concurred with the consultant's recommendations, which were subsequently adopted by City Council on December 23, 1985; and

Whereas, on January 30, 1986, the Mayor forwarded his proposed Articles of Incorporation for establishment of the recommended Authority; and

Whereas, the Committee on Public Safety and Properties has reviewed the proposed Articles and, with the advice of the Special Ad Hoc Committee on the Civic Center and Exhibition Hall, developed a revised version for review and approval by the entire Council;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the attached Articles of Incorporation of Greater Lansing Convention/Exhibition and Stadium Authority, as recommended by the Committee on Public Safety and Properties (version dated 2/20/86); and

Be It Further Resolved the Mayor and City Clerk are hereby authorized to sign said Articles of Incorporation in behalf of the City of Lansing, and to take all necessary administrative actions needed to create said Authority.

By COUNCILMEMBER SCHMIDT—

That the Articles of Incorporation of Greater Lansing Convention/Exhibition Authority be amended on Page 4—Section 7—beginning with line 4, delete "provided that under no circumstances shall the Authority pay its regular full time employees or any full time Employees of any management company which the Authority may retain, wages which are less than the prevailing wages for similar work as provided by the U.S. Department of Labor. In addition, the Authority"

insert the word "and"

Discussion followed.

Councilmember Belen moved to call the question.

Adopted by the following vote:

Unanimously.

The amendment was adopted by the following vote:

Yeas: Councilmen Belen, Creamer, Lindemann, Schmidt, Worthington—5.

Nays: Councilmen Adado, Benavides, Blair—3.

By COUNCILMEMBER LINDEMANN—

That the resolution and Articles of Incorporation of Greater Lansing Convention/Exhibition Center as amended by adopted by the following vote:

Yeas: Councilmember Adado, Belen, Creamer, Lindemann, Schmidt, Worthington—6.

Nays: Councilmember Benavides, Blair—2.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0058

Resolved by the City Council of the City of Lansing:

P-11-77/86

Tammany Hills Subdivision #4 Final Plat

Whereas Thomas Mulder of Geert D. Mulder and Sons, proprietor of Tammany Hills #4 Subdivision Plat, has requested modification to the public sidewalks for Tammany Hills #4 Subdivision; and

Whereas, the modification consists of providing public sidewalk on the west side of Staten Avenue only with the balance of the sidewalks consisting of a private system within the proposed development that will be linked and integrated with the public sidewalk on the west side (see plan on file in the Planning Division); and

Whereas, the Planning Division has reviewed the proposal and has no objections; and

Whereas, the Physical Development Committee of the City Council has reviewed the modification and recommends approval subject to reserving the right to requiring full installation of public sidewalk if problems evolve in the future where installation is required out of public necessity;

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the modified sidewalk plan for Tammany Hills #4 Subdivision subject to reserving the right to require full installation of public sidewalk if problems evolve in the future where installation is required out of public necessity.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0059

Resolved by the City Council of the City of Lansing:

P-11-77/86

Recertification

Tammany Hills #44 Final Plat

Whereas the final plat of Tammany Hills #4 Subdivision has been submitted for approval; and

Whereas, the Planning Board, pursuant to Act 285, Public Acts of 1931, as amended, has approved and recommends that the City Council approve the final plat subject to the following conditions:

1) That the final plat be developed with all public improvements, as required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

2) That the property shall be graded so surface water will drain therefrom, so as not to adversely affect adjacent properties.

3) That the developer utilize an underground electrical distribution system, as specified in Section 37-33.1 of the Lansing Subdivision Regulations.

4) That the necessary easements be provided for the installation of utilities.

5) That the requirements of all responding agencies be complied with; and

Whereas, the Planning Board found that the final plat is in substantial conformance with the approved

preliminary plat and the final plat as initially approved in 1979; and

Whereas, the Physical Development Committee of City Council has reviewed the report of the Planning Board and concurs therewith;

Now, Therefore, Be It Resolved that the final plat of Tammany Hills #4 Subdivision is hereby approved subject to the conditions outlined above and all conditions of previous approvals; and

Be It Further Resolved that the City Clerk be directed to transcribe a Certificate of approval on the final plat of Tammany Hills #4 Subdivision.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0060

Resolved by the City Council of the City of Lansing:

SLU-19-85
3000 Block East Jolly Road

Whereas the Living Word Outreach Center has applied for a Special Land Use to allow a church on property in the 3000 block of East Jolly Road, more particularly described as:

Lot 5, Beujardin Subdivision, City of Lansing, Ingham County, Michigan; and

Whereas the property is zoned "DM-1" Residential District which allows churches as special uses provided the proposed site is two (2) acres or more; and

Whereas, the site measures 1,213 feet by 489 feet and contains approximately 13.5 acres; and

Whereas a preliminary site plan has been submitted for the church with a 2000 person seating capacity, with 700 parking spaces which meets Code requirements; and

Whereas the Planning Board has approved the Special Land Use application subject to the following conditions:

1) That a final site plan be submitted to and approved by the City of Lansing which shows the approved ingress and egress of the site, including driveway taper on Jolly Road, parking details, building placement and landscape screening and buffering.

2) Certification that the utility requirements can be met, including but not limited to; on site storm sewer, sanitary sewer, telephone, electrical, water and gas; and

Whereas the City Council concurs with these findings;

Now, Therefore, Be It Resolved that this Special Land Use, SLU-19-85 in the 3000 block of East Jolly Road, be granted subject to two conditions, which are:

1) A final site plan be submitted to and approved by the City of Lansing which shows the approved ingress and egress of the site including driveway taper on Jolly

Road, parking details, building placement and landscape screening and buffering.

2) Certification that the utility requirements can be met, including but not limited to; on site storm sewer, sanitary sewer, telephone, electrical, water and gas.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0061

Resolved by the City Council of the City of Lansing:

Whereas the Governor of the State of Michigan has requested the cooperation of local government in a new project to revitalize the downtown Lansing area, and

Whereas, the Lansing City Council is in full agreement with the Governor's plan and wishes to pledge its full support to implementing this plan, and

Whereas, the Governor, in his effort to bring desirable improvements to Michigan's Capital City, has requested the participation of legislative members of local government;

Now, Therefore, Be It Resolved that Council President Tony Benavides hereby appoints Lucile Belen, James Blair, Louis Adado, Patrick Lindemann and Charles Creamer as an Ad Hoc Committee of five, to serve as members of the Governor's Joint Task Force on Revitalization.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0062

Resolved by the City Council of the City of Lansing:

That the following transfer be approved:

\$1,800.00 from Landfill Fees

A/C 101-528-000-929

1,800.00 to Public Service-Transportation

A/C 101-437-000-881

Christmas Decorations (provide labor & equipment funding for installation of bracket & hanging/removal of banners, "Lansing . . . Look At Us Now.")

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
JAMES BLAIR
SIDNEY WORTHINGTON
Ways and Means Committee

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing, that the code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Mich. and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-30-85—405 East Holmes to be rezoned from "DM-3" Residential District to "E-2" Local Shop District.

And recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-30-85—405 East Holmes Rd. to be rezoned from "DM-3" Residential District to "E-2" Local Shop District be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

The the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the District maps adopted by Section 36-6 of the Code for property located at Z-30-85—405 East Holmes Rd. to be rezoned from "DM-3" Residential District to "E-2" Local Shop District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2178

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-30-85, 405 East Holmes Road

Parcel Number: 3301-28-454-091

Legal Description: The east ½ of Lot 14, Block 2 of Oak Crest Subdivision, City of Lansing, Ingham County, Michigan

From "DM-3" Residential District to "E-2" Local Shop District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Michigan Retailers Association in opposition to the proposed anti-smoking ordinance.

Attached to Public Hearing for Ordinance and referred to the Committee on General Services.

REMARKS BY THE MAYOR

Update on booking for conventions at new Hotel and Convention/Exhibition Center.

Thanked Councilmembers for passage of Articles of Incorporation.

Voiced the new "No Smoking Policy" for the Mayor's office.

REMARKS BY THE CITY COUNCIL

Councilmember Blair commented on the communication from the Michigan Tobacco and Candy Association.

Councilmember Adado commended the MSU Spartans on their victory over Michigan in basketball. Also the MSU Women's team for their victory over Michigan.

Councilmember Schmidt commended Karen Tury for her analysis of the No Smoking Ordinance.

Councilmember Creamer thanked people for their concern during his illness.

David Welch congratulated City Councilmembers for bringing up the Smoking Ordinance.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 11:00 P.M.

RITA M. BAUMAN,
City Clerk.

February 24, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, March 3, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

March 3, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

PUBLIC HEARING

March 3, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Speaker-Hines & Thomas, Inc., 3366 Remy Dr., for new equipment and machinery in facility.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed Industrial Facilities Exemption Certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

March 3, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Speaker-Hines & Thomas, 3366 Remy Dr. for replacement and renovation of equipment and machinery.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed Industrial Facilities Exemption Certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

March 3, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 5312 S. Waverly Road.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

March 3, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed reorganization plan proposed by the Mayor that would consolidate real estate management functions within the Development Division.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed consolidation they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Gavin Gardi, spoke on resolution 1a.

Beverly Brighton spoke regarding City Attorney letter 1a.

Phyllis Curtis spoke regarding City Attorney letter 1f.

John Morris spoke regarding Communication #5.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers—Alan R. Davis, Frederick E. Dedow, Marie L. Lake, Laura J. Noecker, Edward L. Emanuel.

Peddler—Clint Kraft/Clothing Concepts.

Beer and Wine carry-out—601 W. Saginaw.

Referred to the Committee on General Services.

Suit filed in 30th Judicial Circuit Court by Barbara McNamara, personal representative of the Estate of Charles McNamara, Deceased vs City of Lansing, AIS Construction Equipment Corp., John Deere & Co., and Gerald D. Harris and Sons, Inc for accidental death and damages due to construction accident.

Referred to the Mayor and City Attorney.

Claims filed:

a. For pot hole damages to automobile by:

1. Sharon Huntington, 524 Baker St.
2. Beatrice E. Hendy, 727 Wisconsin Avenue
3. Mickie Cannon, 3404 N. Waverly Road
4. Mary Dassance Hazelton, Dimondale, MI
5. Susan E. Roubal, Haslett, MI

b. Brittany L. Nay, 305 W. Lapeer, for reimbursement of deductible amount of insurance due to traffic accident from malfunctioning traffic light at intersection of N. Larch and E. Saginaw Sts.

c. Timothy H. Southwell, Owosso, MI, for automobile damaged from hitting a loss manhole cover.

Referred to Mayor and City Attorney.

Petition for rezoning—Z-4-86—521 Lincoln St. to be rezoned from "A" Residential District to "J" Parking District filed by Baryames Cleaners, Inc.

Referred to the Mayor and Planning Board.

Mt. Zion Missionary Church requests street renaming in honor of Dr. Martin Luther King, Jr.

Referred to the Mayor.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 5b (Greater Lansing Convention/Exhibition Authority's Board of Commissioners) and 5k (Taiwan Trip).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—Alan R. Davis, Frederick E. Dedow, Marie L. Lake, Laura J. Noecker, Edward L. Emanuel

Peddler—Clint Kraft/Clothing Concepts.

Beer and Wine carry-out—601 W. Saginaw.

Signed:

SIDNEY WORTHINGTON
PAT LINDEMANN
LOUIS ADADO
Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the recommendations from the Mayor, Traffic Board and Planning Board on Relocation of CATA Bus Staging Area reports as follows:

The joint recommendations have been coordinated with the CATA Board and administrators at Lansing Community College. The City staff did not, however, seek input from the Lansing Housing Commission or the City's tenants in the North Capitol Parking Garage. Before acting on these recommendations, this Committee requests that City staff explain the relocation study and recommendations to the Housing Commission and tenants in the North Capitol Garage, then report back the reactions of these groups and individuals.

Signed:

JAMES BLAIR
LOUIS ADADO
TONY BENAVIDES
Committee on Public Safety & Properties

By COUNCILMAN BLAIR—

That the report of the Committee be adopted.

Councilmember Lindemann returned.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

By COUNCILMEMBER ADADO—

That the claim of Beverly Brighton in the amount of \$271.25 be pulled for 1 week for further investigation.

Carried.

Council President Benavides and Members of Lansing City Council

RE: Claim of Annamae Dempsey in the amount of \$54.40

Dear President Benavides and
Members of Lansing City Council:

On October 14, 1985, City Council received a claim from Annamae Dempsey, 1633 Tuscany Lane, Holt for vehicle damage in the amount of \$54.40. Claimant states that the left front door of her automobile was damaged when a "piece of the street" on Larch, just north of Saginaw, hit her car. Claimant indicates work was being done on the far left lane at that location, but that no cones or other warning devices notified her of a problem there.

The Public Service Department investigated this claim and learned that our contractor, Kamminga and Roodvoets, was doing sewer flow regulator work near that location. Upon referring of the claim to the contractor, however, this office learned that the contract work was not at the location identified by the Claimant. This office followed through by contacting the Board of Water and Light, but the utility also denies construction activity at the specific location identified by the Claimant. Claimant has been advised of the various contacts made on her behalf, and she has agreed to submit additional identifying data if she can come up with any.

In light of the above information, no action by City Council is appropriate at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

Council President Benavides and
Members of Lansing City Council

RE: Claim of Mrs. J. Cary in the amount of
\$45.00

Dear Council President Benavides
and Members of Lansing City Council:

On January 21, 1986, City Council received a claim from Mrs. Jack Cary, 512 Bluebell, in the amount of \$45.00 for the replacement of a mailbox post. Claimant indicates that a City snow plow damaged the post on January 6, 1986. She also notes that the post was handmade of special materials, and that the closest replacement would cost \$45.00.

Investigation by the Public Service Department indicates that Claimant's mailbox post was damaged by a snow plow at about the time reported. Subsequently, the City has replaced the damaged post with a 4x4 inch wood post (valued at \$20.00) and standard mailbox. It is our practice to provide replacement posts as nearly like those damaged, as possible.

Claimant is not happy with the replacement post, but did not decline to have it installed. Claimant states she would accept either the difference between the value of the damaged and replacement posts, or the value of the damaged post and removal of the replacement, as an acceptable resolution of this matter.

Generally, a municipality is statutorily immune from liability for negligent acts when performing a governmental function. *Ross v Consumers Power Co.*, 420 Mich 567 (1985). One of the statutory exceptions to governmental immunity provides that tort liability can be imposed for the negligent operation of

a motor vehicle owned by a municipality. See MCLA 691.1405. In this particular situation, the City snow plow knocked over a mailbox post and may have been negligent in doing so.

In light of the above facts and law, it is the recommendation of this office that the City reimburse the claimant for the difference between the price of the damaged and replacement posts, \$25.00.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$25.00 payable to Mrs. Jack Cary.

Carried.

February 25, 1986

Council President Benavides and
Members of Lansing City Council

RE: Claim of Ken Waterhouse in the amount of
\$921.68.

Dear Council President Benavides and
Members of Lansing City Council:

On October 14, 1985, City Council received a claim from Ken Waterhouse, 531 Richard for damage to his 1985 Ford truck in the amount of \$921.68. Claimant states he damaged his vehicle on October 7, 1985 by striking a meter post in a City parking lot in the 500 block of East Michigan Avenue. Claimant says the post was not tall enough for him to see over the hood of his truck.

The Transportation Division of the Public Service Department investigated the claim and learned that Claimant was in the lot to pick up trash for a company doing work on the roof of an adjacent building. He had parked his truck gotten out to check the best place to park for loading his vehicle, and went back and moved his truck. Claimant told the investigator that he *had seen the post*, moved the truck to avoid hitting it, but did not accurately judge its location from inside his vehicle. The post is 38" tall, painted silver, and not concealed in any way. There was no meter on the post, because the location was being used for permit parking. Claimant did not contact the police department, despite advice to do so by the City investigator, but did advise his insurance company. His insurance company has covered all damaged subject to a deductible of \$250.00.

Generally, a governmental unit is immune from liability from negligence. See MCLA 691.1401 et seq; *Ross v Consumers Power Co.*, 420 Mich 567 (1985). Under the instant facts, however, it does not appear that the City acted negligently, so it is not necessary to evaluate whether providing municipal parking is a governmental function. Because there appears to be no negligence on behalf of the City in this case, it is the recommendation of this office that this claim should be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

Council President Benavides and
Members of Lansing City Council

RE: Claims of William H. Walker in the amounts of
a) \$300.00 plus special assessment for trash
removal; b) \$163.75 special assessment for grass
cutting; and c) \$133.54 for time and photos to
alert City to alleged problems with Code enforce-
ment

Dear Council President Benavides and
Members of Lansing City Council:

On December 2, 1985, City Council received three
(3) claims from William H. Walker, 3801 Coachlight
Common. A detailed discussion of the individual
claims and investigations by the Building Safety Divi-
sion follow.

A. Claimant demands payment for a special assess-
ment for trash removal at a home he owns, 201 East
South Street, plus the value of three (3) items he claims
were wrongfully removed therefrom, including some
beveled glass (\$100.00), an outside door (\$60.00) and a
dash panel for a 1965 Corvair (\$140.00). Claimant also
maintains the appearance of the property was not
changed by virtue of the contractor's work.

The City's investigation revealed that a trash viola-
tion notice was issued at 201 East South Street on
September 25, 1985, warning Claimant he had seven
(7) days to clean up the property, or the City would
have the work performed and charge him the costs
plus a \$130.00 service charge. The City waited to refer
the violation to its contractor until October 17, and
the contractor performed the work on October 22.
The contractor was at the location for three (3) hours
and removed thirteen (13) yards of junk from the
yard. The contractor maintains it did not remove
anything of significant value from the property.

The investigation did not reveal any error in inspec-
tion, clean-up or billing. The violation cited did exist
from September 25 until cleaned up by the City con-
tractor on October 22, 1985. For these reasons, it is
the recommendation of this office that claim "A" be
denied.

B. Claimant next asks to be reimbursed for a grass
cutting assessment in the amount of \$163.75, and pro-
tests that the grass was not over twelve (12) inches high
at the time of the assessment.

Our investigation indicates a violation notice was
issued on May 4, 1985 at 201 East South Street, giving
Claimant ten (10) days to cut the grass or incur the
cost of a contractor performing the work plus a
\$130.00 service charge. As of May 30, 1985 the work
had not been performed, so it was submitted to a con-
tractor. The work was still not performed by June 12,
when the contractor went on the property and cut the
grass.

The investigation of this claim indicated no error
was made in inspection, grass removal or billing. The
violation cited did exist from May 14 until June 12,
1985, when the City contractor cleaned up the proper-

ty. For these reasons, it is the recommendation of this
office that claim "B" be denied.

C. Finally, Claimant requests reimbursement for his
time (four (4) hours at \$25.00/hour), film (\$12.54),
and film processing (\$21.00) that he used to support
his allegations that the Building and Zoning Codes
were being selectively enforced against him. He met
with representatives of the Mayor's office and Building
Safety Division. The photos have been retained by the
Claimant.

This office has seen no justification to recommend
payment of this claim. Claimant's assessments were
properly levied against him, and his photographic
evidence has not established that he was in com-
pliance. His claims that he was picked out for enforce-
ment purposes were not justified by the evidence he
gathered. For all of these reasons, this office recom-
mends claim "C" be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City
Attorney and these claims be denied.

Carried.

By COUNCILMEMBER ADADO—

That the claim of Phyllis Curtis in the amount of
\$518.10 be pulled for 1 week for further investigation.

Carried.

DATE: 2/25/86

TO: President Tony Benavides and Members,
Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application—Lansing Dietetic
Association Run

Attached is an application for a parade permit for a
run to be held at 10:00 AM on Saturday, April 19,
1986, on the approved Frances Park Race Route. This
has been approved by our Traffic Unit and all the
necessary departments.

Our personnel estimate this will cost the City a total
of \$361.17, which represents one Sergeant, three
Police Officers and Four vehicles for three hours.

This is being sent to you for final approval.

By COUNCILMEMBER BLAIR—

That this be referred to the Committee on Public
Safety and Properties.

Carried.

February 27, 1986

Mayor Terry J. McKane,
Council President Antonio Benavides,
and City Council Members

RE: RSI Wholesale, Inc.
EDC Project

Dear Mayor McKane and Council Members:

At a special meeting of the Economic Development Corporation Board of Directors held on February 11, 1986, the Resolution Designating Project Area, Recommending Project District Area and Requesting Appointment of Additional Directors was approved for the RSI Wholesale, Inc. EDC Project (Resolution attached).

Pursuant to Section 20(b) of Act 338, Public Acts of 1974, as amended, be advised that a Project Citizens District Council is not required, therefore, recommends that such a council not be formed.

Sincerely yours,

EMERSON B. OHL,
Executive Director

Referred to the Committee on Economic Development.

February 27, 1986

Mayor Terry J. McKane,
Council President Antonio Benavides,
and City Council Members

Re: Art Van Furniture
EDC Project

Dear Mayor McKane and Council Members:

At a special meeting of the Economic Development Corporation Board of Directors held on February 11, 1986, the Resolution Designating Project Area, Recommending Project District Area and Requesting Appointment of Additional Directors was approved for the Art Van Furniture EDC Project (Resolution attached).

Pursuant to Section 20(b) of Act 338, Public Acts of 1974, as amended, be advised that a Project Citizens District Council is not required, therefore, recommends that such a council not be formed.

Sincerely yours,

EMERSON B. OHL,
Executive Director

Referred to the Committee on Economic Development.

February 27, 1986

Council President Benavides
Mayor McKane & City Clerk Bauman

Dear President Benavides, Mayor McKane & City Clerk Bauman:

Pursuant to Section 3-402.4 of the City Charter, the Internal Auditor submits this analysis of the financial position of the City.

We find no substantial departures from generally accepted accounting principles in the financial statements for the fiscal year ended June 30, 1985. We indicate a preference for an alternative presentation of the City's Enterprise Funds other than the presentation opted by the Controller. This constitutes an ongoing

reaffirmation of our position on this matter of seven years' duration.

A feature of this report, as requested by City Council, is an analytical review of the various funds as presented in the annual financial statements audited by the external auditors. The overview includes a working capital analysis, a financial inflow/outflow analysis, a debt burden analysis where appropriate, an equity analysis and such other analytical presentations that were deemed necessary in accordance with the nature of the fund and the informational requirements of potential users. A five-year comparative format was utilized to indicate trends. This analysis constitutes a substantial extension of the nature and scope of this report.

We respectfully submit this analysis of the financial position of the City as required by the City Charter.

Sincerely,

LOUIS S. KLIMECKY,
Chief of Internal Audit

Referred to the Mayor and Committee on Ways and Means.

February 27, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and
Councilmembers:

As you are aware, the Congress is currently considering whether to deal first with deficit reduction or with tax reform. This decision will be made within the next few weeks.

After discussions with various officials in Washington, it is apparent that if we have any preference on this, now is the time to express it.

I, therefore, recommend for your consideration that you adopt a policy recommendation Monday, March 3, 1986, that advocates addressing the deficit prior to dealing with "tax reform". Further, I recommend that when tax reform is considered, that any revenues raised by reform be earmarked for deficit reduction rather than tax cuts to other corporations, groups, or individuals.

I am recommending this for action Monday, March 3, 1986, so that it can be provided to the Municipal League for the League of Cities meeting March 7-11.

Mrs. Lazar is available to speak on this topic on my behalf.

Sincerely,

TERRY J. McKANE,
Mayor.

Resolution 3b on agenda.

February 27, 1986

Council President Tony Benavides
and Councilmembers

Dear President Benavides and Councilmembers:

I hereby appoint the following individuals to the

Greater Lansing Convention/Exhibition Authority's Board of Commissioners and request your review and confirmation.

Residents (five)

1. Douglas Mills—Term expiring December 31, 1987

Mr. Mills lives at 1314 Barnes Avenue and serves as Senior Vice President of the First of America Bank—Central.

2. Robert Mitchell—Term Expiring December 31, 1988

Mr. Mitchell lives at 1700 Lindberg Drive and serves as Chief Deputy Director of the Michigan Department of Transportation. He is also the Coordinator of Public Investments for Infrastructure and the Governor's personally appointed liaison with the City.

3. Lee Hendrickson—Term expiring December 31, 1988

Mr. Hendrickson lives at 610 Kendon Drive and is Senior Manager at Ernst and Whinney. He is presently a member of the Civic Center Board and is past president of the Lansing-Jackson Chapter of the National Association of Accountants.

4. Larry Meyer—Term expiring December 31, 1990

Mr. Meyer lives at 2923 Kirkwood Road and is President, Chief Executive Officer of the Michigan Retailers Association. He is currently a member of the Waterfront Development Board and a member of Council's Ad Hoc Exhibition Hall Committee.

5. Laura Lasater—Term expiring December 31, 1990

Ms. Lasater lives at 900 Long Blvd., #212 and serves as Michigan's Deputy State Treasurer for the Bureau of Local Government Services. She is Public Affairs Chairperson of the Junior League of Lansing, and Treasurer of the Mid-Michigan Easter Seals Society.

Non-Residents

1. William Boettcher—Term expiring December 31, 1989.

Mr. Boettcher lives at 2517 Bentley Court in Meridian Township. He currently serves as Secretary-Treasurer of Liebermann's, is a member of the Board of Directors for Old Kent State Bank, a board member for the Capital Region Corporation, and a division chairperson for Capital Area United Way. He has served as a Chamber of Commerce board member and as Vice President of the Tri-County Mental Health Board. He was the first president of the Friends of the Governor's Residence.

2. Charles Blockett—Term expiring December 31, 1990

Mr. Blockett lives at 3049 Biber in Meridian Township and is Director of the Bureau of Selection in the Michigan Department of Civil Service. He serves as Secretary-Treasurer of the Central Regional Board of the International Personnel Management Association and is past president of the Michigan Chapter of that association.

3. Donald Hines—Term expiring December 31, 1987

Mr. Hines lives at 731 Oakwood Drive in East Lansing and is a practicing attorney and Vice President of Fraser, Trebilcock, Davis & Foster, P.C. He currently serves as Vice President of the Capital Area United Way.

4. Douglas Griffith—Term expiring December 31, 1989

Mr. Griffith lives at 9874 Braden Road in Haslett and has been Business Manager of the Plumbers and Pipefitters Union Local #388 for the past twenty-two years. He currently serves on the Governor's Labor Advisory Board and the Economic Alliance of Michigan.

These appointments will bring to the Board of Commissioners expertise in banking, State government, accounting, retailing, trade associations, finance, personnel, law and labor.

I also included two well-qualified protected class members. I believe that your confirmation of these individuals will provide a well-balanced Board of Commissioners.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/24/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Delta Charter Township

RE: Letter of congratulations on revitalization of downtown Lansing

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 2/27/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Parks and Recreation Director

RE: Removal of Dying Sugar Maple Tree

The attached correspondence is submitted with my concurrence for your action.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/26/86

TO: City Council President Benavides and Councilmembers
FROM: Terry J. McKane, Mayor
SUBJECT: Submission of attached correspondence from Transportation Division
RE: Donald Street: No Parking Request

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/26/86

TO: City Council President Benavides and Councilmembers
FROM: Terry J. McKane, Mayor
SUBJECT: Submission of attached correspondence from Transportation Division
RE: Stabler Street, No Parking Request

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/26/86

TO: City Council President Benavides and Councilmembers
FROM: Terry J. McKane, Mayor
SUBJECT: Submission of attached correspondence from the Transportation Division
RE: Cooley Dr. and Rossiter Place: Stop/Yield Request

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 2/25/86

TO: City Council President Benavides and Councilmembers
FROM: Terry J. McKane, Mayor
SUBJECT: Submission of attached correspondence from Public Service Director
RE: Trash in R.O.W. Removal Assessments for June, 1986 Tax Roll (V-12)

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessments in the amount of \$990.00 be placed on the June, 1986 Tax Roll (V-12).

Carried.

DATE: 2/27/86

TO: City Council President Benavides and Councilmembers
FROM: Terry J. McKane, Mayor
SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept.
Re: Tax Abatement Review

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Economic Development.

DATE: 2/27/86

TO: City Council President Benavides and Councilmembers
FROM: Terry J. McKane, Mayor
SUBJECT: Submission of attached correspondence from Lansing Residents
RE: No Smoking Ordinance correspondence

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

February 27, 1986

Council President Tony Benavides and Councilmembers

Dear President Benavides and Councilmembers:

As you may know, the Chinese National Association of Commerce and Industry and the U.S. Conference of Mayors will sponsor a group of American Mayors on a trip to Taiwan. The trip will be from March 7th to 21st. I am very pleased to be able to represent you and the people of Lansing as a member of this delegation.

We will participate in numerous discussions with Taiwanese officials. Of special interest to me will be foreign trade discussions—particularly with Taiwanese leaders who may have an interest in buying Lansing-area goods and services.

Other Mayors who will attend include William Althaus of York, Pennsylvania; Robert Buhai of Highland Park, Illinois; John Fedo of Duluth, Minnesota; Kathleen Kelly of Clearwater, Florida; Sheila Lodge of Santa Barbara, California; Kyle Testerman of Knoxville, Tennessee; Doug Sutherland, Tacoma, Washington; and George Renner of Glendale, Arizona.

My Executive Assistant, Cleophus Boyd, and other members of my staff are prepared to work closely with you during my trip. I look forward to seeing you on my return.

Sincerely,

TERRY J. MCKANE,
Mayor.

Received and placed on file.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0063

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has been providing residents with energy-related services through the Lansing Energy Action Network since January 1984; and

Whereas, the State of Michigan Energy Administration is offering Community Energy Management: Phase II grants to cities such as Lansing which have previously participated in the CEM program to allow continued development of their potential for energy efficiency; and

Whereas, the Mayor has recommended that the Administration be authorized to submit a request to the State for such a grant; and

Whereas, the Committee on General Services has reviewed and concurred in the Mayor's recommendation, and has also requested preparation of a financial impact statement on the grant program; and

Whereas, the Committee further recommends that the Department of Planning and Municipal Development explore the feasibility of having the Board of Water and Light manage this grant as an extension of the Board's energy-related services to the public;

Now, Therefore, Be It Resolved the Lansing City Council hereby concurs with the staff recommendation that it is advisable to continue the Community Energy Management Program as beneficial to Lansing residents; and

Be It Further Resolved the Mayor is authorized to submit such applications for grants to the State of Michigan Energy Administration to continue the program; and

Be It Further Resolved the director of the Department of Planning and Municipal Development is hereby requested to offer management of said program to the Board of Water and Light for a report back to the Committee on General Services.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0064

Resolved by the City Council of the City of Lansing:

Whereas, Robert Lee Neeley has submitted an application for license as a public driver; and

Whereas, the Office of the Chief of Police has reviewed the application and recommended disapproval in accordance with the provisions of Section 30-5(1) of the City Code because the applicant's driver's license is currently suspended; and

Whereas, the Committee on General Services has examined the report from the Assistant Chief of Police and concurs with the recommendation to disapprove the application;

Now, Therefore, Be It Resolved the Lansing City Council hereby disapproves the application of Robert Lee Neeley for license as a public driver; and

Be It Further Resolved upon adoption of this resolution the City Attorney shall notify the applicant of said disapproval and advise him of his right to a hearing under the provisions of Section 30-5 of the City Code.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0065

Resolved by the City Council of the City of Lansing

Whereas, Theodore Rowyn Gerow has submitted an application for license as a public driver; and

Whereas, the Office of the Chief of Police has reviewed the application and recommended disapproval in accordance with the provisions of Section 30-5(1)(h) of the City Code; and

Whereas, the Committee on General Services has examined the report from the Chief of Police and concurs with the recommendation to disapprove the application;

Now, Therefore, Be It Resolved the Lansing City Council hereby disapproves the application of Theodore Rowyn Gerow for license as a public driver; and

Be It Further Resolved upon adoption of this resolution the City Attorney shall notify the applicant of said disapproval and advise him of his right to a hearing under the provisions of Section 30-5 of the City Code.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0066

Resolved by the City Council of the City of Lansing

Whereas, the Lansing City Council has established the Lansing Industrial Plant Rehabilitation District

IPR-4-85, at property commonly known as 620 Leshner Place; and

Whereas, Neogen Corporation has applied for an Industrial Facilities Exemption Certificate for new equipment to be located at 620 Leshner Place; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Neogen's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-4-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 17, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT
COMMITTEE—

RESOLUTION #0066

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Industrial Plant Rehabilitation District IPR-4-85, at property commonly known as 620 Leshner Place; and

Whereas, Neogen Corporation has applied for an Industrial Facilities Exemption Certificate for rehabilitation of an existing facility at 620 Leshner Place; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Neogen's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-4-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 17, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT
COMMITTEE—

RESOLUTION #0067

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Industrial Plant Rehabilitation District IPR-2-85, at property commonly known as 2423 S. Cedar Street; and

Whereas, The Baryames Cleaners has applied for an Industrial Facilities Exemption Certificate for replacement of existing equipment at 2423 S. Cedar Street; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Baryames Cleaner's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-2-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 17, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT
COMMITTEE—

RESOLUTION #0068

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Industrial Plant Rehabilitation District IPR-2-85, at property commonly known as 2423 S. Cedar Street; and

Whereas, The Baryames Cleaners has applied for an Industrial Facilities Exemption Certificate for construction of a new facility and purchase of new equipment at 2423 S. Cedar Street; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Baryames Cleaner's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-2-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 17, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

RESOLUTION #0069

RESOLUTION SETTING HEARING DATE (Capitol Commons Office Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on March 3, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, on December 29, 1982, the Issuer, pursuant to an Amended Project Plan, issued its limited obligation economic development revenue bond in the principal amount of \$975,000 (the "Original Bond") in order to provide funds to make a loan to F&S Development Co. (the "Company") to assist in the financing of the Project; and

Whereas, on August 23, 1983, the Issuer, pursuant to a Revised Second Amended Project Plan, issues its limited obligation economic development revenue and refunding bond in the principal amount of \$400,000 (the "Series 1983 Bond") the proceeds of which were used to redeem \$400,000 in principal amount of the Original Bond; and

Whereas, concurrently therewith, the Original Bond was cancelled and the Issuer issued its limited obligation economic development revenue bond in the principal amount of \$575,000 (together with the Series 1983 Bonds the "Bonds") to reflect the redemption of \$400,000 in principal amount of the Original Bond as described above; and

Whereas, the Company has requested the Issuer to issue bonds to redeem the outstanding principal amount of the Bonds; and

Whereas, Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended, (the "Act") and Temporary Treasury Regulations Section 5f.103-2 require that in order for bonds to be issued by the Issuer to assist in the financing of the Project, this City Council conduct a public hearing, after notice, and approve the issuance of bonds, all as provided in the Act and Temporary Regulations; and

Whereas, this City Council wishes to set a date for a public hearing with respect to a proposed Third Amended Project Plan for the Project and the issuance by the Issuer of an additional series of limited obligation revenue and refunding bonds pursuant thereto; and

Whereas, the amendments to the Project Plan and issuance of an additional series of bonds pursuant thereto are intended to reduce the cost of financing for the Project.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. A public hearing upon the issuance of bonds by the Issuer in an amount not to exceed \$975,000 and the Third Amended Project Plan for the Project shall be held at 7 o'clock, p.m., Michigan Time, on the 24th day of March, 1986, in the City Council Chambers, 10th Floor, City Hall in the City of Lansing, County of Ingham, State of Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed Third Amended Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

2. The City Clerk is hereby requested to publish, post, and mail notice of such hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act and Temporary Treasury Regulations Section 5f.103-2.

3. The City Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 3rd day of March, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—
RESOLUTION #0070

Resolved by the City Council of the City of Lansing:

Whereas, the United States Congress currently has before it two items of major import to our citizens and the whole State of Michigan; and

Whereas, the congress is deliberating whether to first deal with deficit reduction or tax reform; and

Whereas, it does not make sense to us in any way to delay action on the federal deficit;

Now, Therefore, Be It Resolved the Lansing City Council hereby requests the Congress to act first on the federal deficit before tax reform, and we further recommend that any revenues produced by tax reform be used immediately to further deficit reduction rather than to give tax cuts to corporations, groups or individuals.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER LINDEMANN—

That the Item #24 regarding transfer of \$10,000.00 from City Market Salaries and Longevity be pulled and referred to the Committee on Public Safety and Properties.

Carried.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0071

Resolved by the City Council of the City of Lansing:

That the following transfer be approved:

\$28,420.00 for Gen. Adm. Reserve for Contingency

A/C 101-941-000-963

28,420.00 to District Court Expenditures

A/C 101-136-000-700

(Higher than anticipated rate of jury trials in 65th statute and ordinance cases.)

\$28,420.00 from District Court Estimated Revenues

A/C 760-000-000-160

20,000.00 Dist. Ct. Witness & Jury Fees

A/c 760-136-000-829

(Higher than anticipated rate of jury trials in 65th status & ordinance cases.)

8,420.00 to Dist. Ct. Fringe Benefits

A/c 760-136-000-715

(Adjustment to fringe benefit rate charged for Dt. Ct.)

\$4,500.00 from Reserve for Contingency

A/C 101-941-000-963

4,500.00 to City Council City Audit

A/C 101-101-000-807

(Incur cost for Gen. Fund portion of FY 85 audit.)

\$1,000.00 from Sick Leave Reimbursement

A/C 101-151-000-711

1,000.00 to Dist. Ct. Probation Misc and Operating Exp.

A/C 101-151-000-741

(Costs of copying & supplies higher than anticipated.)

\$30,000.00 from Gen. Adm. Reserve for Contingency

A/C 101-941-000-963

10,000.00 from Law-Salaries

A/C 101-210-000-702

40,000.00 to Law-Professional Services

A/C 101-210-000-801

(Acceleration of various legal projects for City requiring outside legal services; use of process server to serve warrants for ordinance cases.)

\$19,000.00 from Central Garage Vehicle Lease

A/C 101-222-000-943

19,000.00 to Adm. Serv. Cent. Garage-Vehicles

A/C 101-222-000-985

(Purchase of two automobiles for use by the Police Dept. Juvenile Section additional Officers. Add restriction that these cars are not authorized to be driven home at night.)

\$14,300.00 from Central Garage Sal & Longevity

A/C 101-222-000-702

6,700.00 to Adm Serv. Central Garage Operating Supplies

A/C 101-222-000-740

(Increase on costs for laundry & rubbish contracts bid after the adoption of the budget & tool purchases greater than budgeted.)

7,600.00 to Adm. Services Central Garage Repair Parts-Other

A/C 101-222-213-781

(Additional parts usage due to high mileage fleet.)

\$25,000.00 from Fringe Benefits

A/C 101-930-000-715

25,000.00 to Personnel & Training

Medical Services

A/C 101-226-000-823

(Transfer of Medical Services for pre-employment physicals to General Fund.)

\$25,000.00 from Medical Services

A/C 765-958-000-823.04

25,000.00 to Worker's Disability Comp. Fund Estimated Revenues

A/C 765-000-000-160

(Transfer funding for pre-placement physicals into the Personnel Dept. within the Gen. Fund.)

\$1,000.00 from Purchasing Sal. & Longevity

A/C 101-233-000-702

1,000.00 to Purchasing Dept. Auction Exp.

A/C 101-233-000-959

(Auction expenses for spring 1986 auctions anticipated to be greater than budgeted.)

\$4,260.00 from Reserve for Contingency

A/C 101-941-000-963

4,260.00 to Salaries & Longv.-Council

A/C 101-101-000-702

(to fund a receptionist position on Council Staff for the period 3/17/86 thru 6/30/86)

\$5,000.00 from Reserve for Contingency

A/C 101-941-000-963

5,000.00 to Equipment-City Council

A/C 101-101-000-977

(To provide additional funds for refurbishing Council Committee Room.)

\$6,000.00 from Property Management-Utilities-City Hall

A/C 101-265-001-920

6,000.00 to Adm. Services Property

Management Project Maintenance

A/C 101-265-000-931

(Demolition of Beck House (\$6,000) was budgeted in Unscheduled Maint. (101-265-002-931) and must be shifted into Project account; Unscheduled acct. will require an additional \$6,000 to meet FY 86 needs.)

\$5,000.00 to LPD: Adm. Sick Leave Reimburs.

A/C 101-305-000-711

5,000.00 to LPD: Adm. Oper. Supp.

A/C 101-305-000-740

(Expenses for office supplies and printing above anticipated levels.)

\$500.00 from LPD: Adm. Equipment

A/C 101-305-000-977

150.00 from LPD: Adm. Services Misc. & Oper. Exp.

A/C 101-307-000-741

650.00 to LPD: Adm. Serv./Equip.

A/C 101-307-000-977

(Purchase of 3 free-standing partition panels—productivity improvement thru increased privacy, decreased distractions.)

\$1,880.00 to LPD: Adm. Sick Leave Reimbur.

A/C 101-305-000-711

1,870.00 to LPD: Op. Support Misc. & Operating Expenses

A/C 101-305-000-711

(Higher than anticipated expense for film processing.)

\$20,000.00 from LPD: Uniform Salaries

A/C 101-316-000-702

20,000.00 to LPD: O.S.D. Salaries

A/C 101-308-000-702

(Insufficient funds transferred for retroactive salary payments.)

\$15,000.00 from LPD: Uniform Salaries

A/C 101-316-000-702

15,000.00 to LPD: Adm. Overtime-Sworn

A/C 101-305-000-708

(Expenses running above anticipated requirements.)

\$5,500.00 from LPD: Uniform Patrol Salaries

A/C 101-316-000-702

5,500.00 to LPD: Uniform Helicopter Repair and Maintenance

A/C 101-316-023-930

\$6,000.00 from LPD: Uniform Salaries

A/C 101-316-000-702

6,000.00 to LPD: Adm. Holiday Pay

A/C 101-305-000-710

(Expenses at higher level than anticipated.)

\$2,500.00 from Fire: Suppression Salaries

A/C 101-339-000-702

2,500.00 to Fire EMS Oper. Supplies

A/C 101-349-000-740

(Increased number of EMS calls: Infection Control Program.)

\$1,500.00 from Law Salaries & Longv.

A/C 101-210-000-702

1,500.00 to Law Oper. Supplies

A/C 101-210-000-740

(Acceleration of various legal projects for City requiring additional operating expense.)

\$875.00 from Fire: Suppression Salaries

A/C 101-339-000-702

875.00 to Fire: Adm. Salaries

A/C 101-337-000-702

(Insufficient funds budgeted for merit increases for Assistant Chief Devlin due to changes in personnel rules & salary basis subsequent to budget adoption.)

\$4,750.00 from Fire: Suppression Salaries

A/C 101-339-000-702

4,750.00 to Fire: Maint Equip. Repair

A/C 101-338-000-933

(Unanticipated level of clothing replacement required (\$2,350); higher costs for repair & replacement parts than expected (\$1,400); wish to purchase cord and reel for rig on south side (\$1,000).

\$9,315.00 from Fire: Suppression Salaries

A/C 101-339-000-702

9,315.00 to Fire Alarm Salaries

A/C 101-345-000-702

\$9,750.00 from Recreation Div. Spec. Rec. & Cultural Arts Wages—Temporary Labor

A/C 101-729-500-707

9,750.00 to Parks & Rec Admin. Div. Special Events

A/C 101-692-000-883

(Riverfest, Triathlon, & Women's National Softball Tournament all exceeded appropriated budget, and 1985 fireworks not encumbered prior to July 1, 1985, due to delays in product purchasing & insurance policy approvals.)

\$8,153.00 from Park Div. Park Adm. Utilities

A/C 101-718-000-920

5,897.00 from Park Div. Park Adm. Shared Maint. Costs

A/C 101-718-000-932

14,050.00 to Parks & Rec. Park Div.—General Services Misc. & Operating Exp.

A/C 101-718-300-741

(Riverfront Park Maint. costs from Board of Water & Light \$13,554 plus \$500 to provide additional funding for a \$3,500 purchase order for the last 6 months of FY 86.)

\$1,000.00 from Estimated Revenues

A/C 101-000-000-160

1,000.00 to Parks & Rec. Rec. Div.

Recreation Admin.—Equipment

A/C 101-725-500-977

(Purchase of one set of soccer goals & nets.)

\$1,225.00 from Competitive & Instru. Sports Misc. & Operating Expenses

A/C 101-727-500-741

1,225.00 to Parks & Rec.—Recreation Competitive & Instr. Sports Overtime-Hr.

A/C 101-727-500-709

(Set up and take down of rink boards to run Saf-T-Hockey program at Gier Center.)

\$6,500.00 from Planning & Municipal Dev.—Building Salaries & Longevity

A/C 101-860-380-702

6,000.00 to Planning & Mun. Dev.—Building Professional Services

A/C 101-860-380-801

(Additional funding needed to support temporary mechanical inspector due to backlog of inspections.)

500.00 to Planning & Mun. Dev.—Building-Transportation

A/C 101-860-380-860

(Funding needed for mileage reimbursement.)

200.00 from Frances Park Trust Estimated Revenues

A/C 713-000-000-160

200.00 to Parks & Rec. Frances Park Misc. & Oper. Exp.

A/C 713-050-000-741

(Purchase of roses for replacement plantings at Frances Park.)

\$1,891.00 from Estimated Revenues

A/C 101-000-000-160

1,891.00 to City Supported Agencies Voluntary Action Center

A/C 101-934-114-969

(Addition of part-time clerical person to assist in the management of the Diversion Program due to 77% increase in caseload.)

\$1,000.00 from Estimated Revenues

A/c 101-000-000-160

Red Cedar Bike Link

A/C 101-936-761-974

(Lease revenues from Central Advertising signs, per Council Resolution of October 28, 1984. To be used for purchase of signs on trail.)

\$6,550.00 from Public Service Act 51-Major

Admin. & Eng. Salaries and Wages

A/C 202-482-000-704

(Controller's computation of actual fringe benefits exceeded the budget estimate.)

\$11,600.00 from Public Service Act 51 Major Surface Maint. Wages-Hourly

A/C 202-460-00-706

11,600.00 to Pub. Serv. Act 51 Major Surface Maint. Fringe Benefits

A/c 202-460-00-715

(Controller's computation of actual fringe benefits exceeded the budget estimates.)

\$2,596.00 from Pub. Serv. Act 51-Local Admin. & Engineering Audit Fee

A/C 203-482-200-807

1,454.00 from Pub. Serv. Act 51-Local Traffic Misc. & Oper. Expenses

A/C 203-480-000-741

4,050.00 to Pub. Serv. Act 51-Local Admin. & Eng.-Utilities

A/C 203-482-200-920

(Additional funding needed based on the first six months actual & second six months expenditures from FY 85.)

\$11,400.00 from Pub. Serv. Act 51-Local Routine Maint. Wages-Hourly

A/c 203-460-00-706

11,400.00 to Pub. Serv. Act 51-Local Routine Maint. Fringe Benefits

A/C 202-460-000-715

(Controller's computation of actual fringe benefits exceeded the budget estimate.)

\$23,175.00 from Pub. Serv. 1969 St. Improvements S. Washington Avbe. Bridge

A/C 401-452-010-974-689

23,475.00 from Pub. Serv. 1969 St. Improvements Foster Cul de sac

A/c 401-452-010-974.695

46,650.00 to Pub. Serv. 1969 St. Improvements Mich. Ave. & Mill St. Bridge

A/C 401-452-010-974-694

(The estimate of City funding needed changing due to the level of State participation in road approaches on Mill Street.)

\$2,750.00 from Cemetery Fund Retained Earnings

A/C 516-000-000-395

1,050.00 to Parks Dept. Cemetery Fund Admin. Misc. & Operating Exp.

A/c 516-536-00-741

(Unanticipated insurance increase (\$728) and the purchase of liber books for record keeping (\$254).)

1,700.00 to Parks & Rec. Grounds Maint. Fuel

A/C 516-538-000-751

(Actual consumption of fuel has exceeded the budgeted amount. The total usage split between Grounds and Burial Expenses and will have to be adjusted at year end.)

\$34,700.00 from Pub. Serv. Wastewater Admin.-Gen. Utilities

A/c 590-536-000-920

29,700.00 to Pub. Serv. Wastewater Admin. Fringe Benefits

A/C 590-536-000-715

(Controller's actual fringe benefit calculations differed from the budget estimate.)

5,000.00 to Pub. Serv. Wastewater Adm. & General Professional Services

A/C 590-536-000-801

(Additional funding needed due to audit expenses per the Controller's Office.)

\$111,000.00 from Pub. Serv. Wastewater Admin. & Gen. Utilities

A/C 590-536-000-920

111,000.00 to Pub. Serv. Wastewater Bond Int.

A/C 590-599-000-995

(For bond interest for bonding for the third segment of Wastewater construction and refinancing of the first two bond issues.)

\$18,800.00 from Pub. Serv. Wastewater T.V. Grou Sewer Repair Equip. Maintenance

A/C 590-560-000-933

18,000.00 to Pub. Serv. Wastewater T.V. Grout Sewer Repair Equip. Rental

A/C 590-560-000-943

(T.V. Group, Van & Equip. originally purchased from the Wastewater Fund, will be charged rent & eventually replaced from the Service Garage. Maint. is provided by the Service Garage.)

\$11,000.00 from Pub. Serv.-Refuse Equip.-Rental

A/C 590-550-000-943

11,000.00 to Pub. Serv.-Refuse Fr. Bene.

A/C 590-550-000-715

(Controller's actual fringe benefits rate was in excess of the budget estimate.)

\$4,000.00 from Pub. Serv. Serv. Garage Utilities

A/C 640-536-000-920

8,000.00 from Pub. Serv. Service Garage Vehicles & Misc. Equip.

A/C 640-970-000-985

12,000.00 to Pub. Serv. Service Garage Equipment Maint.

A/C 640-960-000-933

(Estimate of funding need based on comparison with FY 85 actuals. Additional costs incurred for major refurbishing of snow removal equipment.)

\$1,703.00 from District Ct. Professional Services

A/C 760-136-000-801

1,703.00 to District Ct. Claims

A/C 760-136-000-963

(Payment of settlement in Patricia Crimmons Case.)

The Balance remaining in the Reserve for Contingency Fund after this transfer is \$262,158.00.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director

APPROVED:

SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Repealing Chapter 17C containing Sections numbered Section 17C-1 through 17C-5 (Open Housing) of the Code and declaring the same to be null and void and of no effect was introduced by Councilman Worthington read a first and second time by its title(s) and referred to the Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0072

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, March 10, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the ordinance for repealing Chapter 17C containing Sections numbered Section 17C-1 through 17C-5 of the Code and declaring the same to be null and void and of no effect.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Claim filed by Lynn Machalk for reimbursement of automobile tire damaged in hitting a pot hole.

Referred to the City Attorney.

Letter from Dawne K. Williams, Asst. Coordinator of the Michigan Substance Abuse & Traffic Safety Information Center, requesting contribution for Project Graduation, 1986 Workshop to be held March 26, 1986 at Kellogg Center, MSU.

Referred to the Mayor and Committee on Ways and Means.

REMARKS BY THE MAYOR

Mayor McKane introduced Russell Galvin, City Assessor, who spoke on recent assessment review.

Nancy Carlson, Supervisor of City assessors, spoke regarding recent reassessment of property in City of Lansing.

REMARKS BY THE CITY COUNCIL

Councilmember Belen spoke of the need for contributions to the Food Bank.

Councilmember Schmidt remarked on the condition of E. Willard Rd.

Councilmember Blair remarked about the pot holes in the 1500 blk. of Osborn Road.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:25 P.M.

RITA M. BAUMAN,
City Clerk.

March 3, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, March 10, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

March 10, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer.

Pledge of Allegiance.

By COUNCILMEMBER CREAMER—

That the council proceedings of January 27th and February 3rd, 1986 be approved and Carried.

PUBLIC HEARING

March 10, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed repealing Chapter 17C (Open Housing containing Sections numbered 17C-1 through 17C-5 and declaring the same to be null and void and of no effect.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed repeal of Chapter 17C they will have the privilege of speaking at this time.

Jean Golden, East Lansing, Director of Center for Handicapper Affairs, spoke in favor of the Ordinance.

Allan Becker, 1825 Rundle, spoke in opposition to Ordinance.

Robert Lunmdy, 2304 Marion, commended Councilmembers for their efforts in writing the ordinance.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING

ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Robert Forgraves, 2622 Bedford, spoke on Resolution #4 (Transfer of Funds)—regarding \$1,000 transfer for Project Graduation.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Driver—Danny R. Stenzel
Ice Cream Peddler—Capt. Blizzard
Sign Erector Licenses—Fritz Advertising Co. and Stamp-Rite
Cabaret—Shannon's Saloon

Referred to the Committee on General Services.

Claims filed:

- a. For pot hole damages to automobiles by:
 1. Laurie Ghinelli
 2. Brenda T. Williams, 6204 Beechfield Dr.
 3. J. H. Williams, Haslett, MI.

b. LeAnn Tyler, East Lansing, MI for broken automobile windshield from being hit with a hockey puck at the Washington Park Hockey Rink.

c. Manuel Ibarra, 3716 Bayview Dr., for reimbursement of sewer damages to basement.

Referred to the City Attorney.

Petition for rezoning Z-5-86—423 So. Cedar Street to be rezoned described as, Lot 10, except that part lying East of a line 50 feet West of and parallel to c/1 of US-27 and M-78 relocated described as commencing at Southeast Corner of Lot 10, thence West 13 feet, thence North 11°51' West 45 feet to Northerly line of Lot 10, thence Southerly along Easterly line of Lot 10 to beginning, Block 3, Oakhill Subdivision on Blocks 236 and 237, City of Lansing, Ingham County, Michigan, to be rezoned from "DM-4" Residential District to "J" Parking District filed by David J. Stanton & Assoc., Inc.

Referred to the Mayor and Planning Board.

Randy Doby, Jr., President Lansing Neighborhood Council, requests current data on CDBG program expenditures.

Referred to the Mayor and Committee on Physical Development.

Francis S. Rock, 3313 W. Mt. Hope, Apt. 47, submits letter of concern for pedestrians and bicyclists traveling north of Grand River bridge from Moores River Rd. on Waverly Road.

Referred to the Mayor.

Rachel Grades, 633 Cameo St., submits letter of approval for the proposed smoking ordinance.

Referred to the Committee on General Services.

MAYOR'S EXECUTIVE ASSISTANT COMMENTS ON ANY ITEM ON THE AGENDA

No comment.

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Public Driver—Danny Robert Stenzel
Ice Cream Peddler—Capt. Blizzard
Sign Erector Licenses—Fritz Advertising Co. and Stamp-Rite
Cabaret—Shannon's Saloon

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the Repeal for Chapter 17C (Open Housing) containing Sections numbered 17C-1 through 17C-5 and declaring the same to be null and void and of no effect reports as follows:

That said repeal of ordinance be approved.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the Ordinance adding a new Chapter 17C for the purpose of prohibiting discrimination in Real Estate Transactions involving Housing Accommodations on the basis of Race, Color, Sex, Marital Status, Age, National Origin, Religious Ancestry, Political Orientation, Handicap, Use of Adaptive Devices or Aids, or source of income when the source of income is derived in whole or in part from Alimony, Child Support or Public Assistance Funds in the City of Lansing reports as follows:

That said ordinance be approved.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Yeas—Councilmember Adado, Belen, Benavides, Creamer, Worthington—5.

Nays—Councilmember Blair, Lindemann, Schmidt—3.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's Report on the request for traffic control at the intersection of Cooley Drive and Rossiter Place reports as follows:

The Transportation Division, Traffic Board and Mayor recommend the request for Stop or Yield Signs at the intersection of Cooley Drive and Rossiter Place be denied.

Signed:

JAMES BLAIR
LOUIS ADADO
TONY BENAVIDES
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the Rezoning petitions:

Z-31-85—5542, 5600, 5614 and vacant land south of 56143 South Logan Street to be rezoned from "A" Residential District to "F" Commercial District and "D-1" Professional Office District.

Z-32-85—1800 Block of Todd Avenue to be rezoned from "DM-3" Residential District to "J" Parking District and "C" Residential District reports as follows:

That said ordinance be approved.

Signed:

CHARLES CREAMER
ALFREDA SCHMIDT
LUCILE BELEN
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

March 5, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Paul Pavlica for Trash
Assessment

Dear President Benavides and
Members of Lansing City Council:

On October 28, 1985, Paul Pavlica, P.O. Box 10066, Lansing, Michigan filed a claim, no amount specified, for a City of Lansing tax assessment for trash pick-up at 1241 Clark Street, Lansing, on or about September 17, 1985. The basis of his claim is that he and his tenants picked up trash on September 17, 1985, the date he received notice from the City concerning illegal trash. Claimant admits that on the same date September 17, 1985, between the time the first trash was picked up, by him and his tenants, and the time of the City's reinspection, his tenants had placed a second pile of trash in the same location. Mr. Pavlica feels that he should have received another notice from the City concerning their second pile of trash which the City picked up.

This claim was investigated by the Public Service Department, Operations and Maintenance Division, which reported that an illegal box of trash was found at the address in question on September 17, 1985, and an illegal box of trash was found on reinspection on September 27, 1985. The Department stated that it did not know whether the two boxes were the same box.

Chapter 16, Section 16-2 of the Lansing Code of Ordinances prohibits the accumulation of trash in any public place or any private premises, except as provided by Chapter 16A in City of Lansing orange refuse bags. The facts show that claimant was given proper warning of the consequences of failure to comply with the ordinance within a ten (10) day period. Claimant was in violation of the ordinance on reinspection by the City. It is irrelevant whether or not the illegal trash found on September 17, 1985 was the same trash still present on September 27, 1985 since the same illegal condition still existed. Therefore, this office recommends that this claim should be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

March 5, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Coburn C. Bland, D.O. for \$110.00

Dear President Benavides and
Members of Lansing City Council:

On January 13, 1986, Coburn, C. Bland, D.O., 633 E. Jolly Road, Suite 2A, Lansing, Michigan, filed a claim of \$110.00 for an assessment for refuse pick-up by the City at 707 Beulah Street in Lansing. The basis of his claim is that the City did not pick up the refuse, but that someone employed by claimant actually picked up the refuse.

This matter was investigated by the Superintendent of the Operation and Maintenance Division of the Department of Public Service. The facts show that on July 2, 1985, the Department inspected the property between the curb and the sidewalk at the address in question and found five (5) full trash bags which were not City refuse bags required by Lansing City Ordinance Section 16A-8. The claimant was given written notice of the violation July 3, 1985 and allowed ten (10) days to remove the trash bags. The City re-inspected the same address on July 15, 1985, thirteen (13) days after the violation, and found non-City trash bags still present. A photograph of the bags was taken by the City minutes before it picked up the bags. The photo shows three (3) black and two (2) gray trash bags. Based on the above, this office recommends that this claim should be denied.

Very truly yours,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER LINDEMANN—

That Councilmember Creamer be excused from voting on this due to a possible conflict of interest.

Carried.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Adopted by the following vote:

Yeas—Councilmember Adado, Belen, Benavides,
Blair, Lindemann, Schmidt—6.

Nays—Councilmember Worthington—1.

March 5, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Rose Karn in the amount of
\$146.00

Dear President Benavides and
Members of Lansing City Council:

The Claimant alleges that on November 11, 1985, her vehicle sustained damage to the two left tires in the amount of \$146.00. In addition, the Claimant states that she incurred a \$25.00 towing charge all after crossing the bridge on Logan Street, which was under construction. Claimant does not relate any specific incident relating to how the damage actually occurred.

Investigation by the Public Service Department indicates that Kamminga & Roodvoets were City contractors performing road construction on the date and time in question. Therefore, the claim for damages to Claimant's vehicle should be referred to the contractor for settlement pursuant to the applicable contract provisions.

Based on the above, it is the recommendation of this office that this claim should not be granted at this time. Claimant should be advised to pursue her claim against Kamminga & Roodvoets.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

Due to new evidence from Public Service Department, I move that we do not concur in the recommendation of the City Attorney and this claim should be paid not to exceed amount of deductible or amount of claim whichever is less.

Carried.

March 5, 1986

Council President Benavides and
Members of Lansing City Council

RE: Claim of Shirley J. Wills in the amount of
\$270.23

Dear President Benavides and
Members of Lansing City Council:

On November 25, 1985, Shirley J. Wills submitted a claim for damage to two automobile tires in the amount of \$270.23. Claimant states that on November 22, 1985, her vehicle struck a hole on the North Logan Street bridge which was under construction at the time. Claimant states that her tires blew out immediately. Claimant's statement includes mention of an incident at the same location which happened to another claimant on the prior Monday (see claim of Rose Karn).

Investigation by the Public Service Department indicates that Kamminga & Roodvoets were City contractors performing road construction on the date and time in question. Therefore, this claim should be referred to the contractor for settlement pursuant to the applicable contract provisions.

Based on the above, it is the recommendation of this office that this claim should not be paid at this time. Claimant should be advised to pursue her claim against Kamminga & Roodvoets.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

Due to new evidence from Public Service Department, I move that we do not concur in the recommendation of the City Attorney and the claim should be paid not to exceed amount of deductible or amount of claim whichever is less.

Carried.

February 18, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Beverly Brighton in the amount of
\$271.25

Dear President Benavides and
Members of City Council:

On September 8, 1985, Beverly Brighton submitted a claim to the City of Lansing in the amount of \$271.25 for her insurance deductible in the amount of \$100.00, car rental in the amount of \$230.00 and her share of the cost of the new tire in the amount of \$31.25 arising out of damage to her vehicle. The claimant indicates that on September 4, 1985, while exiting the Demmer Corporation intersection of Ballard and Oakland her husband struck a manhole with a cover missing causing damage to the right rear of the vehicle.

A review of the departmental records of the City Engineer indicates that a manhole cover was reported missing at the intersection of Oakland and Ballard on September 3, 1985. The missing manhole was repaired on September 3, 1985, the same day. No further report of a missing manhole cover was received prior to the incident involved. The Michigan law states that a municipality can not be held liable for damages caused by defective roadways unless the municipality has prior notice of the defect and has a reasonable time to repair the defect. MCLA 691.14093. In this case the manhole cover was reported missing on September 3 and repaired on that same day. No complaint was received on September 4 and therefore the City did not have notice of the defect and a reasonable time to repair it.

Based on the above information and the applicable law, it is the recommendation of this office that this claim should be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Councilmember Blair left the meeting.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Adopted by the following vote:

Yeas—Councilmember Belen, Creamer,
Lindemann, Schmidt, Worthington—5.

Nays—Councilmember Adado, Benavides—2.

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's office by the Budget Director. (No. 15—#30, except #17 which is void.)

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on Ways and Means.

DATE: 2/27/86

TO: President Tony Benavides and Members, Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application—North Lansing Community Association

Attached is an application for a parade permit from the above-referenced organization, scheduled for 10:30 AM on Saturday, June 14, 1986, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$45.50, which represents two officers and two vehicles for one hour.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of this Police Chief and this parade permit be approved.

Carried.

January 31, 1986

Mayor and City Councilmembers

Dear Mayor and Council Members:

It is my understanding that the City of Lansing may be interested in acquiring the Board of Water and Light's office building at 123 West Ottawa Street.

I reviewed this matter with the BWL Commissioners at their meeting of January 29, 1986.

Assuming a 10% interest rate, annual payments required to amortize \$14 million principle cost would be as follows for varying mortgage periods.

Mortgage Period	Annual Payment
5	\$3,693,165
7	\$2,875,677
10	\$2,278,435
12	\$2,054,686
15	\$1,840,633
20	\$1,644,435

If you wish to discuss this matter, I believe a meeting of appropriate officials could be arranged at your convenience.

Very truly yours,

JOSEPH PANDY, Jr.
General Manager

Referred to the Committee of the Whole.

March 4, 1986

Tony Benavides, Council President and
Members of the Lansing City Council

RE: R&A Development Company
Parcel 12
Urban Renewal Project No. 1, Mich. R-87

Dear Council President Benavides and
Councilmembers:

Transmitted herewith you will find the following items:

1. A draft of a Contract for Sale of Land for Private Development by and between the City of Lansing, Michigan, and R&A Development Company.

2. A draft of a Parking Agreement by and between the City of Lansing, Michigan, and R&A Development Company.

3. A draft of a resolution which, if adopted, would establish a public hearing on this proposed sale of land, with the hearing date being April 21, 1986.

In summary, the Contract, if approved, calls for R&A Development Company to purchase Parcel 12 and construct thereon a four-story office building consisting of approximately 50,000 net leaseable square feet. The Contract contains specified timeframes for the submission of construction plans, review of the construction plans, submission and review of evidence of financing, time of closing, and times for commencement and completion of construction. The City is obligated, after closing, to return the net land proceeds (after the deduction of certain eligible expenses, such as the cost of designing and constructing a pedestrian walkway along the southern boundary of this property, between the North Washington Square Mall and the North Grand Ramp) to the Federal government.

The Parking Agreement, in summary, proposes to lease one hundred twenty (120) parking spaces in the North Grand Parking Ramp to R&A Development Company to serve the tenants of this building, on a month-to-month basis at the permit rates routinely charged by the Municipal Parking System for that facility.

It is my recommendation that the Lansing City Council approve the proposed Contract for Sale of Land for Private Development and the Parking Agreement, both of which would be by and between the City of Lansing and R&A Development Company. The proposed development is consistent with our goals for downtown Lansing. Appropriate staff will be available to answer any questions during your committee work on these matters.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Physical Development.

March 5, 1986

Tony Benavides, Council President and
Members of the Lansing City Council

RE: Gentilozzi Proposal
Parcel 10
Urban Renewal Project No. 1, Mich. R-87

Dear Council President Benavides and
Councilmembers:

This is to inform you that I have authorized the Department of Planning and Municipal Development to remove Urban Renewal Parcel 10, located at the northwest corner of the intersection of West Ottawa Street and the North Washington Square Mall, from the market for a period of six (6) months. During this period, I have asked staff to negotiate a Contract for Sale of Land for Private Development of this property with Gentilozzi Real Estate and Management Company, which submitted a proposal to the City on December 16, 1985. I am hopeful that, by September 3, 1986, the Gentilozzi firm will have developed its plans for this property to a point where firm timeframes for the closing of the sale, and the commencement and completion of construction, and other pertinent details can be specified in the form of a draft contract, which will, of course, be submitted for your review and approval.

This is submitted for your information. No action on the part of the City Council is necessary at this time. I will keep you informed as events occur.

Sincerely,

TERRY J. McKANE,
Mayor.

Received and placed on file.

March 4, 1986

Tony Benavides, Council President and
Members of the Lansing City Council

RE: Capitol Commons

Dear Council President Benavides and
Councilmembers:

This is written to advise you that we have received a written communication (copy attached) from Joel Ferguson (of EJS Housing Partnership) setting forth the terms and conditions under which Mr. Ferguson believes he can proceed to develop Parcel V (commonly called Phase II) of Capitol Commons. Parcel V is the land along the east side of Butler Street, between Kalamazoo and St. Joseph Streets. After a follow-up meeting with Mr. Ferguson, it is clear that:

1. He wants the land sale price reduced from \$156,000 to \$1.00.
2. He wants full tax abatement on the units to be constructed, pursuant to State law.
3. He wants to change the number and type of units.
4. He is prepared to proceed to attempt to develop Parcel V, at this time, because the Michigan State Housing Development Authority now has a financing program available that promotes the feasibility of this type of development.

I agree with Mr. Ferguson that now is the time to try to proceed with development. I recommend, however, that we proceed on the basis requested by Mr. Ferguson, only if the following conditions are agreeable to both him and the Lansing City Council:

1. Any contract amendment with EJS Housing Partnership must include a provision deleting Parcel I (the condominium site, being the block bounded by Pine, Lenawee, Sycamore and Kalamazoo Streets) from that contract. The development of the condominiums is not imminent, and we should act to eliminate any interest EJS may have in this property. With the activities recently proposed for this area by Governor Blanchard, it is my opinion that we should conduct a land use and marketability study in regards to this property, and based on the results of that study, seek development that is more integrated with the activities proposed for this area.

2. Any contract amendment with EJS Housing Partnership providing for a reduced land price and/or tax abatement must include a provision that provides to the City of Lansing a substantial portion of the positive cash flow of Phase II, when it occurs, for the life of the project mortgage, and a substantial percentage of any sales proceeds (capital gains) in the event the project is ever sold or refinanced. If the developer is requesting that the City forego the land proceeds and taxes, we should expect to receive a healthy share of any positive cash flow or capital gains that the project may generate after any loss years at the front end of the project. In addition, tax abatement on these units would require an ordinance modification on the part of the City.

Mr. Ferguson has requested an opportunity to review his development intentions and requested terms with the Lansing City Council. Because any further development in Capitol Commons cannot occur without your approval, I am recommending that you meet with Mr. Ferguson. Neither the developer nor my administration see any benefit in proceeding with negotiations without having knowledge of your policy on the recommendations set forth above, seeing that the Lansing City Council will ultimately need to act upon what we might negotiate.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Development.

March 5, 1986

Council President Antonio Benavides
and City Council Members

Dear President Benavides and Councilmembers,

The City of Lansing refuse program has been the subject of extensive evaluation and review over the past several months. A programmatic audit prepared by the Internal Auditor and reviewed by the Public Service Department and the Board of Public Service has focused on specific financial problem areas and alternatives to the delivery of services. While the refuse program as a whole operates in an economical and efficient manner, the bulk item collection service continues to require an increasing level of subsidization from the program.

The Public Service Director has identified a 50% rate increase as necessary to continue current service levels. The Board of Public Service has recommended a 20% rate increase and subsidy of the bulk item collection service through the City's General Fund (see

report attached). After careful consideration of the foregoing analysis, I recommend to you a 15¢ per bag rate increase, continuation of the Christmas tree and the spring and fall leaf pickup programs, and the elimination of the bulk item collection service. I believe that this recommendation will allow for an effective household refuse collection program at a reasonable cost to the user. The bulk pickup services can be provided to our residents through private sector contractors at price levels set by the competition for those services, and non-compliance can be handled through ordinance enforcement if trash is allowed to accumulate in yards. My recommendation is based upon my concern that bulk pickup services cannot be sustained within the program at a competitive price and that higher service fees would have a negative effect on the overall use of the program. Also, with the increasing difficulties of sustaining General Fund services, I cannot recommend to you a subsidy of bulk pickup services from that source.

I propose further that you defer the administrative charge budgeted within the refuse program in this current fiscal year. Your favorable consideration of my recommendations should sustain the program at least through fiscal year 1987-88 and should minimize, and perhaps eliminate, the potential for a cash deficit position in the fund in this current year.

This proposal is also addressed and incorporated within my upcoming budget recommendations, but I am forwarding it to you for early consideration because action is needed this month.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

DATE: 3/3/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Director of Public Service

RE: MDOT Landscaping Contract for M-143 (East
Michigan Ave.)

The attached Project Proposal is being submitted with my recommendation for your approval and appropriation of funds.

TERRY J. McKANE,
Mayor.

Referred to Committee on Public Safety and Properties.

DATE: 3/4/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from citizens.

RE: Smoking in public places.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

DATE: 3/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Cherry Hill Prostitution Barricades

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: 3/4/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Lansing Area Residents

RE: Rezoning Petition: Z-3-86

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Development.

DATE: 3/4/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Building Safety Division

RE: Trash Assessment for July 1986 Tax Roll U-30
(\$1,562.50)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the

Mayor and this Trash Assessment in the amount of \$1,562.50 be placed on the July 1986 Tax Roll U-30.

Carried.

DATE: 2/28/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Lansing Housing Commission

RE: Declaration of Trust for Project MI33-PO58-015

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and approve the Declaration of Trust for project MI33-PO58-015 for the Lansing Housing Commission.

Carried.

3/6/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Budget Director

RE: Transfer of Funds

The attached correspondence is submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0073

Resolved by the City Council of the City of Lansing:

That, the request from Shannon's Saloon, Inc., to drop Timothy E. Brogan and Brian D. Riley as stockholders in 1985 Class C licensed business w/Dance permit, located at 3809 W. Jolly, Lansing, Ingham County, through sale of stock to existing stockholder, Michael J. Brogan and new stockholder, Leslie A. Brogan, jointly, and drop Leslie A. Brogan as joint stockholder with Michael J. Brogan through sale of stock to Michael J. Brogan, is hereby approved.

Adopted by the following vote:

Unanimously.

By COMMITTEE PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0074

Resolved by the City Council of the City of Lansing:

Whereas, the Administration has recommended approval of a \$10,000 appropriation to allow preliminary design of sanitation-related improvements to the City Market, as mandated by the Michigan Department of Agriculture; and

Whereas, the Committee on Public Safety and Properties has reviewed this proposed transfer and discussed the improvements with the Director of Parks and Recreation and several Market vendors, and recommends that the transfer be approved; and

Whereas, the Committee further recommends that the City Council state its intentions for the future of the City Market in light of recently published reports that the site of the Market is available for private development;

Now, Therefore, Be It Resolved, the Lansing City Council hereby states its intention to fund required improvements to the Lansing City Market so that this valuable City facility may continue to serve its loyal customers; and

Be It Further Resolved, the City Council declares that it has neither discussed nor provided official authorization for the Administration to discuss potential redevelopment of the current Market site.

By COUNCILMEMBER BELEN—

That we amend this resolution in the 4th Paragraph, 2nd line, after the words "Lansing City Market" insert wording "from future Market Revenues",

Carried.

The resolution as amended was adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0075

Resolved by the City Council of the City of Lansing:

ACT-35-85
Hein Avenue Vacation

Whereas, Resolution #0056 vacating an unimproved portion of Hein Avenue, does not comply with Public Act No. 560 Plated Land Dedicated to Public use;

Now, Therefore, Be It Resolved, that the Lansing City Council hereby rescinds Resolution #0056 adopted February 24, 1986; and

Be It Further Resolved, that the Lansing City Council hereby vacates Hein Avenue west of Kyes Road described as;

Commencing at the southeast corner of Lot 9, thence west 107.25 feet, thence south 66 feet, thence east 107.25 feet, thence north 66 feet to beginning, Potomac Park Subdivision, City of Lansing, Michigan T3N R2W;

Be It Finally Resolved that the City Clerk is empowered to record a certified copy of this resolution with the register of deeds and shall also send a recorded copy to the State Treasurer.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0076

Resolved by the City Council of the City of Lansing:

ACT-2-86

North East Street

Whereas, Resolution #0055 disposing of three parcels does not comply with Public Act No. 560 Plated Land Dedicated to Public use:

Now, Therefore, Be It Resolved, that the Lansing City Council hereby rescinds Resolution #0055 adopted February 24, 1986; and

Be It Further Resolved that the Property Management Division is directed to prepare a resolution to vacate and dispose of subject parcels of land as appropriate; and

Be It Finally Resolved, that the resolution will provide that no future structures shall be placed on the south 100 feet of Parcel A.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0077

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Safety and Properties have all recommended approval of a citizen petition for changes in the parking regulations on Donald Street;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the installation of a *No Parking At Any Time* zone on the east side of Donald Street from Cavanaugh Road to Everettdale Avenue.

The following changes will be required in the Traffic Code:

ADD: No Parking at Any Time on the east side of Donald Street from Cavanaugh Road to Everettdale Avenue.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0078

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for changes in the parking regulations on Stabler Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a *No Parking at Any Time* zone on the east side of Stabler Street from 100 feet south of Dunlap Street to Willard Avenue.

The following changes will be required in the City Traffic Code:

Delete: No Parking At Any Time on the east side of Stabler Street from Dunlap Street to Willard Avenue.

Add: No Parking at Any Time on the east side of Stabler Street from 100 feet south of Dunlap to Willard Avenue.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0079

Resolved by the City Council of the City of Lansing:

That the City Assessor be and is hereby directed to spread on special assessment roll 51T, the cost for the removal of a dying tree on private property that was hazardous to the public right-of-way.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

RESOLUTION #0080

Resolved by the City Council of the City of Lansing:

Whereas, the property known as Diamond Reo has laid undeveloped for several years since acquisition and clearing through Federal Grant, and

Whereas, there is a desire by the Council that all restrictions which hinder the interest in or purchase of the property by private developers be lifted if at all possible so that the property could be aggressively marketed either in whole or in part,

Now, Therefore, Be It Resolved, that the Lansing City Council urges the Administration to take immediate steps to have whatever restrictions remain on the property, with the exception of those required to conform with Federal, State or Local Equal Employment Opportunity or non-discrimination requirements, so that development of the property may be encouraged and aggressively pursued.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0081

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

1) \$6,670.00 from Pub. Serv. Storm Sewer Maint.-
Equipment Rental

A/C 101-445-018-943

4,270.00 to Pub. Serv. Admin. & Engineering
Operating Supplies

A/C 101-441-000-740

(Additional funding needed based on first six month expenditures & second six month estimates. Expenditures have generally increased due to relatively large numbers of copying, blueprint, etc. support for the projects currently underway. Also some additional costs incurred for video tape for T.V. production.)

2,400.00 to Pub. Serv. Admin. & Engineering Equip-
ment Rental

A/C 101-441-000-943

(Additional funding needed based on first six months actuals & second six months estimates. Expenditures have increased due to vehicle needs for inspection, survey, etc. for a relatively large number of projects currently underway.)

2) \$9,500.00 from Parks & Rec. Admin. Div. Oak
Park Garage-Salaries & Longevity

A/C 101-693-000-702

10,000.00 from Parks & Rec. Admin. Div. Park
Security Salaries & Longevity

A/C 101-695-000-702

6,000.00 from Parks & Rec. Park Div. Gen. Services
Salaries & Longevity

A/C 101-718-300-702

5,000.00 from Parks & Rec. Park Div. Washington Ice
Rink-Salaries & Longevity

A/c 101-720-00-702

9,000.00 from Parks & Rec, Park. Div. Golf Salaries
& Longevity

A/C 101-721-000-702

13,500.00 from Parks & Rec. Rec. Div. Community
Activ. & Aquatics-Salaries & Longevity

A/C 101-728-500-702

6,000.00 from Parks & Rec. Forestry Div. Sal &
Longv.

A/C 101-781-000-702

15,000.00 from Parks & Rec. Grounds Oper. Wages-
Hrly.

A/C 101-718-100-706

10,500.00 from Parks & Rec. Rec. Div. Special Rec. &
Cultural Arts-Wages-Hourly

A/C 101-729-500-706

85,000.00 to Admin. Services Property Mngt.-Project
Maintenance

A/C 101-265-000-931

3) \$10,000.00 from City Market Salaries & Longv.

A/C 101-694-000-702

10,000.00 to Parks & Rec. Admin.

Div.-Admin.-Professional Services

A/C 101-692-000-801

4) \$5,866.00 from Human Services Agencies-Human
Services Discr. Funds

A/C 101-934-120-969

5,866.00 to Human Services Agencies-Housing
Assistance Foundation

A/C 101-934-094-969

(Funding for one position for Housing Assistance
Foundation for the remainder of the fiscal year. Con-
tinuation of position for which Urban League funding
expired on Feb. 1, 1986.)

5) \$1,000.00 from Human Service Discret. Funds

A/C 101-934-120-969

1,000.00 to Human Service Agencies Safety Council

A/C 101-934-051-969

(Funding for alcohol abuse prevention program spon-
sored by Project Graduation.)

All money be used for students in schools within
City of Lansing. Project request funding from Clinton,
Eaton & Ingham Counties. It is understood that
this is a one time contribution and does not imply any
future commitment.

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and
eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCE(S)

The following ordinance(s) of the City of Lansing,
Michigan providing that the code of ordinances be
amended by:

Revising the district maps adopted by Section 36-6
of the Code of Ordinances and to change the zoning
classification for the rezoning petition.

Z-1-86—5510 South Logan Street to be rezoned
from "A" Residential, "J" Parking and "F" Com-
mercial Districts to "F" Commercial District was in-
troduced by Councilmember Creamer read a first and
second time by its title(s) and referred to the Commit-
tee on Physical Development.

By COUNCILMEMBER CREAMER—

RESOLUTION #0082

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, March 31,
1986 at 7:00 P.M. in the 10th Floor Chambers of City
Council for the purpose of opposing and/or approv-
ing rezoning petition Z-1-86—5510 South Logan St. to
be rezoned from "A" Residential, "J" Parking and
"F" Commercial Districts to "F" Commercial
District.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an
ordinance providing that the Code of Ordinances,

City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-31-86—5542, 5600, 5614 and vacant land south of 5614 South Logan Street to be rezoned from "A" Residential District to "F" Commercial District and "D-1" Professional Office District.

Z-32-85—1800 Block of Todd Avenue to be rezoned from "DM-3" Residential District to "J" Parking District and "C" Residential District and recommend that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-31-86—5542, 5600, 5614 and vacant land south of 5614 South Logan Street to be rezoned from "A" Residential District to "F" Commercial District and "D-1" Professional Office District be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-31-86—5542, 5600, 5614 and vacant land south of 5614 South Logan Street to be rezoned from "A" Residential District to "F" Commercial District and "D-1" Professional Office District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2179

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the District Maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-31-85, 5542, 5600, 5614 and vacant land south of 5614 South Logan Street
Parcel Numbers: 3305-05-126-191; 081; 171; 061
Legal Description: The south 250 feet, lying parallel to Logan Street of the following described property; Lots 3, 4, and 5 except the northwesterly 250 feet thereof and the north one acre of Lot 2, generally described as; commencing at the northeast corner of Lot 2; thence southwest 46 feet along the west lone of the right-of-way of Logan Street; thence northwest 660 feet ±; thence north 70 feet; thence southwest approximately 713.5 feet to the point of beginning, City of Lansing, Ingham County, Michigan;

From "A" Residential District to "F" Commercial District and the balance of the above described property, from "A" Residential District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-32-85—1800 Block of Todd Avenue to be rezoned from "DM-3" Residential District to "J" Parking District and "C" Residential District be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-32-85—1800 block of Todd Avenue to be rezoned from "DM-3" Residential District to "J" Parking District and "C" Residential District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2180

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the

revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-32-85, 1800 Block of Todd Avenue
Parcel Number: 3301-23-383-021;
3301-21-383-032; 3301-21-383-035
Legal Description: The east 30 feet of Lots 10 and 11, Block 19, Park Place Addition, City of Lansing, Ingham County, Michigan from "DM-3" Residential District to "J" Parking District and Lots 8, 9, and the west 126.75 feet of Lots 10 and 11 Block 19, Park Place Addition, City of Lansing, Ingham County, Michigan.

From "DM-3" Residential District to "C" Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

ORDINANCES

By COUNCILMEMBER WORTHINGTON—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by repealing Chapter 17C (Open Housing) containing sections numbered Section 17C-1 through 17C-5 of the Code and declaring the same to be null and void and of no effect.

Adding a new Chapter 17C for the purpose of prohibiting discrimination in Real Estate Transactions involving Housing Accommodations on the basis of Race, Color, Sex, Marital Status, Age, National Origin, Religion, Ancestry, Political Orientation, Handicap, use of Adaptive Devices or Aids, or Source of Income when the Source of Income is derived in whole or in part from Alimony, Child Support, or Public Assistance Funds, in the City of Lansing and recommended that the ordinance be passed.

By COUNCILMAN WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by repealing Chapter 17C containing sections numbered Section 17C-1 through 17C-5 of the Code and declaring the same to be null and void and of no effect be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this considered as being read in its entirety.

Carried.

By COUNCILMAN WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by repealing Chapter 17C containing sections numbered Section 17C-1 through 17C-5 of the Code and declaring the same to be null and void and of no effect be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 710

An Ordinance of the City of Lansing, Michigan, providing for the repeal of Chapter 17C containing sections numbered Section 17C-1 through 17C-5 of the Code of Ordinances, City of Lansing, Michigan and declaring the same to be null and void and of no effect.

The City of Lansing ordains:

Section 1. That Chapter 17C of the Code of Ordinances containing Sections numbered 17C-1 through 17C-5 is hereby repealed and declared null and void and of no effect.

By COUNCILMAN WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by adding a new Chapter 17C for the purpose of prohibiting discrimination in Real Estate Transactions involving Housing Accommodations on the basis of Race, Color, Sex, Marital Status, Age, National Origin, Religion, Ancestry, Political Orientation, Handicap, Use of Adaptive Devices or Aids, or Source of Income when the Source of Income is derived in whole or in part from Alimony, Child Support or Public Assistance Funds, in the City of Lansing be placed on order of immediate passage.

By COUNCILMAN WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMAN WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by adding a new Chapter 17C for the purpose of Prohibiting discrimination in Real Estate Transactions involving Housing Accommodations on the basis of Race, Color, Sex, Marital Status, Age, National Origin, Religion, Ancestry, Political Orientation, Handicap, use of Adaptive Devices or Aids, or Source of Income when the Source of Income is derived in whole or in part from Alimony, Child Support or Public Assistance Funds, in the City of Lansing be now passed.

By COUNCILMEMBER ADADO—

That we excuse Councilmember Belen from voting on this ordinance.

Carried.

By COUNCILMAN BLAIR—

That we amend this Ordinance by deleting the wording "or Source of Income, when the source of income is derived in whole or in part from Alimony, Child Support or Public Assistance Funds," wherever it appears in the Ordinance also to drop 17c (4d).

Lost by the following vote:

Yeas: Councilmembers Adado, Blair, Schmidt—3.

Nays: Councilmembers Benavides, Creamer, Lindemann, Worthington—4.

By COUNCILMAN LINDEMANN—

That the ordinance be amended as follows:

To insert the term "sexual preference" every place in the ordinance where a listing of protected groups appears, as follows:

Page 1, line 6 after "political orientation"; page 2, line 1 after "political orientation"; page 2, line 22 after "political orientation"; page 4, line 6 after "political orientation"; page 5, line 25 after "political orientation"; page 7, line 17 after "political orientation"; page 7, line 27 after "political orientation"; page 8, line 19 after "political orientation"; page 9, line 25 after "political orientation"; page 10, line 22 after "political orientation".

Lost by the following vote:

Yeas—Councilmembers Blair, Lindemann—2.

Nays—Councilmembers Adado, Benavides, Creamer, Schmidt, Worthington—5.

Much discussion was held and questions asked.

By COUNCILMAN WORTHINGTON—

That the question be called.

Lost by the following vote:

Yeas—Councilmembers Benavides, Creamer, Lindemann, Worthington—4.

Nays—Councilmembers Adado, Blair, Schmidt—3.

The original ordinance as presented was voted on as follows:

Adopted by the following vote:

Yeas—Councilmembers Adado, Benavides, Creamer, Lindemann, Worthington—5.

Nays—Councilmembers Blair, Schmidt—2.

ORDINANCE NO. 711

An Ordinance of the City of Lansing, Michigan,

providing that a new Chapter 17C be added to the Code of Ordinances for the purpose of prohibiting discrimination in real estate transactions involving housing accommodations on the basis of race, color, sex, marital status, age, national origin, religion, ancestry, political orientation, handicap, use of adaptive devices or aids, or source of income when the source of income is derived in whole or in part from alimony, child support or public assistance funds, in the City of Lansing.

The City of Lansing Ordains:

Section 1. That the Code of Ordinances of the City of Lansing, Michigan be amended by adding a new Chapter 17C to read as follows:

CHAPTER 17C FAIR HOUSING

Sec. 17C-1. PREAMBLE

IT IS HEREBY FOUND THAT DISCRIMINATION IN HOUSING ADVERSELY AFFECTS THE CONTINUED DEVELOPMENT, RENEWAL, GROWTH AND PROGRESS OF THE PEOPLE OF THE CITY OF LANSING AND OF THE CITY OF LANSING AND THAT SUCH DISCRIMINATION IS INJURIOUS TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITY OF LANSING AND THE PEOPLE THEREOF. THE OPPORTUNITY TO PURCHASE, LEASE, SELL, HOLD, USE AND TRANSFER REAL PROPERTY OR AN INTEREST THEREIN WHICH IS OR WILL BE UTILIZED FOR HOUSING ACCOMMODATION IN THE CITY OF LANSING WITHOUT DISCRIMINATION BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP OR WHEN AN INDIVIDUAL'S OR GROUP'S INCOME IS DERIVED IN WHOLE OR IN PART, FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS OR USE OF ADAPTIVE DEVICES OR AIDS IS A CIVIL RIGHT BY THIS ORDINANCE WHICH IS ENACTED PURSUANT TO THE POLICE POWERS OF THE CITY, STATE STATUTE AND THE 1968 FAIR HOUSING LAW (TITLE VIII AND IX) OF THE CIVIL RIGHTS ACT OF 1968; 42 USC 3601 ET SEQ; AS AMENDED, AND 42 USC 3631 AS AMENDED BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND OTHER APPLICABLE LAWS.

Sec. 17C-2. DEFINITIONS.

AS USED IN THIS ORDINANCE, UNLESS A DIFFERENT MEANING APPEARS CLEARLY FROM THE CONTEXT, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS PRESCRIBED IN THIS SECTION.

(A) DISCRIMINATE OR DISCRIMINATION INCLUDES MAKING A DECISION, OFFERING TO MAKE A DECISION, REFRAINING FROM MAKING A DECISION OR TO MAKE ANY DIFFERENCE IN THE TREATMENT OF INDIVIDUALS OR GROUPS OR OF THE FRIENDS OR ASSOCIATES OF SUCH INDIVIDUAL OR GROUP IN THE SALE, EXCHANGE, LEASE, ASSIGNMENT, TRANSFER, SUBLEASE, REN-

TAL, FINANCING OR INSURING OF HOUSING UNITS OR REAL ESTATE OR HOUSING ACCOMMODATIONS BASED IN WHOLE OR IN PART ON THE RACE, COLOR, RELIGION, ANCESTRY, SEX, AGE, NATIONAL ORIGIN, POLITICAL ORIENTATION, MARITAL STATUS, HANDICAP OR ON THE USE OF ADAPTIVE DEVICES OR AIDS, OR WHEN INCOME OF THE INDIVIDUAL OR GROUP IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS.

(B) OWNER INCLUDES THE LESSEE, LESSOR, SUBLESSEE, SUBLESSOR, ASSIGNEE, ASSIGNOR, MANAGING AGENT OR OTHER PERSON HAVING THE RIGHT OF OWNERSHIP, POSSESSION OR THE RIGHT TO SELL, RENT, TRANSFER, OR LEASE ANY HOUSING ACCOMMODATION OR ANY INTEREST OR PART THEREOF.

(C) FINANCIAL INSTITUTION MEANS ANY ENTITY REGULARLY ENGAGED IN THE BUSINESS OF LENDING MONEY OR GUARANTEEING LOANS ON REAL PROPERTY OR ANY INTEREST THEREIN.

(D) PERSON OR ENTITY INCLUDES AN ASSOCIATION, PARTNERSHIP OR CORPORATION AND INCLUDES THEIR OFFICERS AND MEMBERS.

(E) REAL ESTATE BROKER OR SALESPERSON MEANS A PERSON, WHETHER LICENSED OR NOT, WHO, FOR OR WITH THE EXPECTATION OF RECEIVING A CONSIDERATION, LISTS, SELLS, PURCHASES, EXCHANGES, RENTS, OR LEASES REAL PROPERTY OR AN INTEREST THEREIN; WHO NEGOTIATES OR ATTEMPTS TO NEGOTIATE ANY OF THOSE ACTIVITIES; WHO HOLDS HIM OR HERSELF OUT AS ENGAGING IN THOSE ACTIVITIES; WHO NEGOTIATES OR ATTEMPTS TO NEGOTIATE A LOAN SECURED OR TO BE SECURED BY A MORTGAGE OR OTHER ENCUMBRANCE UPON REAL PROPERTY OR AN INTEREST THEREIN; WHO IS ENGAGED IN THE BUSINESS OF LISTING REAL PROPERTY OR AN INTEREST THEREIN IN PUBLICATIONS; OR A PERSON EMPLOYED BY OR ACTING ON BEHALF OF A REAL ESTATE BROKER OR SALESPERSON.

(F) IMMEDIATE FAMILY MEANS A SPOUSE, PARENT, CHILD OR SIBLING.

(G) REAL PROPERTY INCLUDES A STRUCTURE, BUILDING, MOBILE HOME, REAL ESTATE, LAND, MOBILE HOME PARK, TRAILER PARK, TENEMENT, LEASEHOLD OR AN INTEREST IN A REAL ESTATE COOPERATIVE OR CONDOMINIUM.

(H) REAL ESTATE TRANSACTION MEANS THE SALE, EXCHANGE, RENTAL, LEASE, TRANSFER, ASSIGNMENT, SUBLEASE OF REAL PROPERTY OR AN INTEREST THEREIN CONCERNING HOUSING ACCOMMODATIONS.

(I) HOUSING ACCOMMODATION INCLUDES IMPROVED OR UNIMPROVED REAL PROPERTY, OR A PART THEREOF, WHICH IS USED OR OCCUPIED, OR IS INTENDED, ARRANGED, OR

DESIGNED TO BE USED OR OCCUPIED, AS THE HOME OR RESIDENCE OF ONE OR MORE PERSONS.

Sec. 17C-3. DISCRIMINATION PROHIBITED

SUBJECT TO SECTION 17C-4, NO PERSON ENGAGING IN A REAL ESTATE TRANSACTION CONCERNING HOUSING ACCOMMODATIONS OR A REAL ESTATE BROKER OR SALES PERSON SHALL, BASED IN WHOLE OR IN PART, ON THE RELIGION, RACE, COLOR, SEX, AGE, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, USE OF ADAPTIVE DEVICES OR AIDS, OR WHEN THE INCOME OF A PERSON OR A PERSON RESIDING WITH THAT PERSON IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS:

(1) REFUSE TO ENGAGE IN A REAL ESTATE TRANSACTION WITH A PERSON.

(2) REFUSE TO RECEIVE FROM A PERSON OR TRANSMIT TO A PERSON A BONA FIDE OFFER TO ENGAGE IN A REAL ESTATE TRANSACTION.

(3) REFUSE TO NEGOTIATE FOR A REAL ESTATE TRANSACTION WITH A PERSON.

(4) REPRESENT TO A PERSON THAT REAL PROPERTY OR AN INTEREST THEREIN IS NOT AVAILABLE FOR INSPECTION, SALE, RENTAL, OR LEASE WHEN IN FACT IT IS SO AVAILABLE, OR KNOWINGLY FAIL TO BRING A PROPERTY LISTING TO A PERSON'S ATTENTION, OR REFUSE TO PERMIT A PERSON TO INSPECT REAL PROPERTY.

(5) PRINT, CIRCULATE, POST, MAIL, OR OTHERWISE CAUSE TO BE PUBLISHED A STATEMENT, ADVERTISEMENT, NOTICE, OR SIGN, OR USE A FORM OF APPLICATION FOR A REAL ESTATE TRANSACTION, OR MAKE A RECORD OF INQUIRY IN CONNECTION WITH A PROSPECTIVE REAL ESTATE TRANSACTION, WHICH INDICATES DIRECTLY OR INDIRECTLY, AN INTENT TO MAKE A PREFERENCE, LIMITATION, SPECIFICATION, OR DISCRIMINATION WITH RESPECT THERETO.

(6) OFFER, SOLICIT, ACCEPT, USE OR RETAIN A LISTING OF REAL PROPERTY OR AN INTEREST THEREIN WITH THE UNDERSTANDING THAT A PERSON MAY BE DISCRIMINATED AGAINST IN A REAL ESTATE TRANSACTION OR IN THE FURNISHING OF FACILITIES OR SERVICES IN CONNECTION THEREWITH.

(7) DISCRIMINATE AGAINST A PERSON IN THE TERMS, CONDITIONS, OR PRIVILEGES OR A REAL ESTATE TRANSACTION OR IN THE FURNISHING OF FACILITIES OR SERVICES IN CONNECTION THEREWITH.

(8) DENY A PERSON ACCESS TO OR MEMBERSHIP OR PARTICIPATION IN MULTIPLE LISTING SERVICES, REAL ESTATE BROKERS ORGANIZATIONS, OR OTHER REAL ESTATE SERVICES.

Sec. 17C-4. EXEMPTIONS

(A) THE PROVISIONS OF THIS CHAPTER SHALL NOT:

(1) APPLY TO THE RENTAL OF A ROOM OR ROOMS TO THREE (3) OR LESS PERSONS IN A SINGLE DWELLING OR TWO FAMILY UNIT, THE REMAINDER OF WHICH DWELLING IS OCCUPIED BY (a) THE OWNER OR MEMBER OF HIS/HER IMMEDIATE FAMILY, OR (b) A LESSEE OF THE ENTIRE DWELLING UNIT OR MEMBER OF HIS/HER IMMEDIATE FAMILY.

(2) SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, REQUIRE AN OWNER TO OFFER PROPERTY OR AN INTEREST IN PROPERTY TO THE PUBLIC AT LARGE BEFORE SELLING OR RENTING IT.

(3) SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, PROHIBIT OWNERS FROM GIVING PREFERENCE TO PROSPECTIVE TENANTS OR BUYERS FOR ANY REASON OTHER THAN RELIGION, RACE, COLOR, SEX, AGE, NATIONAL ORIGIN, ANCESTRY, POLITICAL ORIENTATION, MARITAL STATUS, HANDICAP, THE USE OF ADAPTIVE DEVICES OR AIDS, OR WHEN THE INCOME OF THE PERSON OR PERSON RESIDING WITH THE PERSON IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS.

(4) PROHIBIT A RELIGIOUS ORGANIZATION OR INSTITUTION FROM RESTRICTING ANY OF ITS FACILITIES OF HOUSING OR ACCOMMODATION WHICH ARE OPERATED AS A DIRECT PART OF RELIGIOUS ACTIVITIES TO PERSONS OF THE DENOMINATION INVOLVED.

(5) PROHIBIT AN EDUCATIONAL INSTITUTION FROM LIMITING THE USE OF ITS FACILITIES TO THOSE AFFILIATED WITH SAID INSTITUTION.

(6) PROHIBIT OBTAINING INFORMATION RELATIVE TO THE MARITAL STATUS OF AN INDIVIDUAL WHEN IT IS NECESSARY FOR THE PREPARATION OF A DEED OR OTHER INSTRUMENT OF CONVEYANCE.

(B) NOTHING CONTAINED IN THIS CHAPTER SHALL BE:

(1) INTERPRETED AS REPEALING THE EXISTING POWERS OF THE HUMAN RELATIONS BOARD TO WORK THROUGH CONCILIATION AND EDUCATION TO ELIMINATE SUCH DISCRIMINATION IN THE SALE AND RENTAL OF REAL PROPERTY OR ON OTHER TRANSACTIONS RELATED TO THE SUBJECT MATTER OF THIS CHAPTER; OR

(2) CONSTRUED TO PROHIBIT ANY AFFIRMATIVE ACTION PLANS AND PROGRAMS INSTITUTED BY ANY LEVEL OF GOVERNMENT OR PRIVATE PERSON OR GROUP; OR

(C) WITH RESPECT TO THE AGE PROVISION ONLY, THIS CHAPTER SHALL NOT APPLY TO THE SALE, RENTAL OR LEASE OF HOUSING ACCOMMODATIONS MEETING THE REQUIREMENTS OF FEDERAL, STATE, OR

LOCAL HOUSING PROGRAMS FOR SENIOR CITIZENS OR ACCOMMODATION OTHERWISE INTENDED, ADVERTISED, DESIGNED OR OPERATED, FOR THE PURPOSE OF PROVIDING HOUSING ACCOMMODATIONS TO PERSONS FIFTY YEARS OR OLDER; OR

(D) WITH RESPECT TO THE SOURCE OF INCOME PROVISIONS ONLY, NOTHING CONTAINED IN THIS CHAPTER SHALL BE CONSTRUED TO PRECLUDE THE MAKING OF A GOOD FAITH BUSINESS DETERMINATION INVOLVING A PERSON'S ABILITY TO MEET THE FINANCIAL BURDEN INVOLVED WITH THE SALE, LEASE, RENT, SUBLEASE, ASSIGNMENT OR TRANSFER OF HOUSING ACCOMMODATIONS. A DETERMINATION BY A PERSON WHETHER TO ACCEPT RENTAL PAYMENTS IN ADVANCE AND/OR ARREARS SHALL NOT CONSTITUTE A VIOLATION OF THIS CHAPTER.

Sec. 17C-5. FINANCIAL INSTITUTION OR INSURANCE INSTITUTION; DISCRIMINATION; EXEMPTION.

(A) SUBJECT TO SECTION 17C-4, A PERSON TO WHOM APPLICATION IS MADE FOR FINANCIAL ASSISTANCE OR FINANCING IN CONNECTION WITH A REAL ESTATE TRANSACTION OR IN CONNECTION WITH THE INSURING, CONSTRUCTION, REHABILITATION, REPAIR, MAINTENANCE, OR IMPROVEMENT OF REAL PROPERTY, OR AN INTEREST THEREIN WHICH IS OR WILL BE UTILIZED FOR HOUSING ACCOMMODATIONS, OR A REPRESENTATIVE OF THAT PERSON SHALL NOT:

(1) DISCRIMINATE AGAINST THE APPLICANT BECAUSE OF THE RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, ANCESTRY, POLITICAL ORIENTATION, HANDICAP, THE USE OF ADAPTIVE DEVICES OR AIDS, OR WHEN THE INCOME OF THE APPLICANT OR A PERSON RESIDING WITH THE APPLICANT IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS; OR

(2) USE A FORM OF APPLICATION FOR INSURANCE OR FINANCIAL ASSISTANCE OR FINANCING OR MAKE OR KEEP A RECORD OR INQUIRY IN CONNECTION WITH AN APPLICATION FOR FINANCIAL ASSISTANCE OR FINANCING WHICH INDICATES, DIRECTLY OR INDIRECTLY, A PREFERENCE, LIMITATION, SPECIFICATION OR DISCRIMINATION AS TO THE RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, ANCESTRY, POLITICAL ORIENTATION, HANDICAP, USE OF ADAPTIVE DEVICES OR AIDS, OR WHEN THE INCOME OF THE APPLICANT OR A PERSON RESIDING WITH THE APPLICANT IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS.

(B) SUBSECTION (A)(2) OF THIS SECTION SHALL NOT APPLY TO A FORM OF APPLICATION FOR FINANCIAL ASSISTANCE PRESCRIBED FOR THE USE OF A LENDER REGULATED AS A MORTGAGEE UNDER THE

NATIONAL HOUSING ACT, AS AMENDED, BEING 12 U.S.C. SECTIONS 1701 TO 1750(g) OR BY A REGULATORY BOARD OR OFFICER ACTING UNDER THE STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES.

Sec. 17C-6. ENFORCEMENT.

(A) ALL COMPLAINTS OF HOUSING DISCRIMINATION RECEIVED BY CITY DEPARTMENTS SHALL BE FORWARDED TO THE HUMAN RELATIONS DEPARTMENT FOR REVIEW AND INVESTIGATION. COMPLAINTS SHALL BE IN WRITING OR, IF ORAL, SHALL BE REDUCED TO WRITING AND SHALL CONTAIN SUCH INFORMATION AND BE IN SUCH FORM AS THE HUMAN RELATIONS DEPARTMENT REQUIRES. THE HUMAN RELATIONS DEPARTMENT SHALL:

(1) RECEIVE, INVESTIGATE, MAKE RECOMMENDATIONS, INITIATE AND ATTEMPT TO CONCILIATE ANY COMPLAINTS OF HOUSING DISCRIMINATION BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, USE OF ADAPTIVE DEVICES OR AIDS, OR WHEN THE INCOME OF A PERSON RESIDING WITH THE PERSON IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS.

(2) ENSURE NO EXCESSIVE BURDENS ARE PLACED ON COMPLAINANTS WHICH MIGHT DISCOURAGE FILING OF COMPLAINTS REGARDING HOUSING DISCRIMINATION.

(3) COMMENTS AND COMPLETE COMPLAINT PROCESSING IN A TIMELY MANNER.

(4) PROMULGATE AND PUBLISH RULES AND GUIDELINES FOR THE PROCESSING, INVESTIGATION AND RESOLUTION OF COMPLAINTS.

(B) NO PERSON SHALL COERCE, THREATEN OR RETALIATE AGAINST ANY INDIVIDUAL OR ORGANIZATION FOR MAKING A COMPLAINT OR ASSISTING IN AN INVESTIGATION REGARDING A VIOLATION OR ALLEGED VIOLATION OF THIS ARTICLE NOR REQUIRE, REQUEST, CONSPIRE WITH, ASSIST, OR COERCE ANOTHER PERSON OR PERSON TO RETALIATE AGAINST ANY INDIVIDUAL OR ORGANIZATION FOR MAKING A COMPLAINT OR ASSISTING IN ANY INVESTIGATION PURSUANT TO THIS CHAPTER.

(C) NO PERSON SHALL CONSPIRE WITH, ASSIST, COERCE OR REQUEST ANOTHER PERSON TO DISCRIMINATE IN ANY MANNER PROHIBITED BY THIS CHAPTER.

(D) NO PERSON SHALL PROVIDE FALSE OR SUBSTANTIALLY MISLEADING INFORMATION TO ANY AUTHORIZED PERSON INVESTIGATING A COMPLAINT REGARDING A VIOLATION OF THIS CHAPTER, OR SIGN A COMPLAINT FOR VIOLATION OF THIS ARTICLE BASED UPON FALSE OR SUBSTANTIALLY MISLEADING INFORMATION.

Sec. 17C-7. REPRESENTATION OF CHANGE IN COMPOSITION, VALUE, BEHAVIOR OR QUALITY OF SCHOOLS TO INDUCE REAL ESTATE TRANSACTION FOR FINANCIAL BENEFIT.

A PERSON SHALL NOT REPRESENT, FOR THE PURPOSE OF PROMOTING OR INDUCING A REAL ESTATE TRANSACTION FROM WHICH THE PERSON MAY BENEFIT FINANCIALLY, THAT A CHANGE HAS OCCURRED OR WILL OR MAY OCCUR IN THE COMPOSITION OF A BLOCK, NEIGHBORHOOD, OR AREA WITH RESPECT TO RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, ANCESTRY, POLITICAL ORIENTATION, USE OF ADAPTIVE DEVICES OR AIDS, OR SOURCE OF INCOME WHEN DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS OF THE OWNERS OR OCCUPANTS IN THE BLOCK, NEIGHBORHOOD, OR AREA IN WHICH THE REAL PROPERTY IS LOCATED OR REPRESENT THAT THIS CHANGE WILL OR MAY RESULT IN THE LOWERING OR PROPERTY VALUES, AN INCREASE IN CRIMINAL OR ANTISOCIAL BEHAVIOR OF THE AREA, OR A DECLINE IN THE QUALITY OF SCHOOLS OR OTHER PUBLIC FACILITIES IN THE BLOCK, NEIGHBORHOOD, OR AREA IN WHICH THE REAL PROPERTY IS LOCATED.

SEC. 17C-8. PENALTY; CRIMINAL AND/OR CIVIL ENFORCEMENT

(A) ANY PERSON CONVICTED OF A VIOLATION OF THIS ORDINANCE MAY BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00 AND/OR BY IMPRISONMENT OF NOT MORE THAN NINETY (90) DAYS IN THE DISCRETION OF THE COURT.

(B) NOTHING IN THIS ORDINANCE SHALL BE CONSTRUED AS TO LIMIT THE RIGHTS OF ACCESS BY AN INDIVIDUAL TO REMEDIES BEFORE THE CIVIL RIGHTS COMMISSION OF THIS STATE OR BEFORE THE COURTS OF THIS STATE ON AN INDIVIDUAL BASIS, OR TO PROHIBIT COOPERATION BETWEEN THE CITY OF LANSING AND THE CIVIL RIGHTS COMMISSION OF THIS STATE.

Sec. 17C-9. CONFLICT

NOTHING CONTAINED IN THIS ORDINANCE SHALL BE DEEMED TO SUPERSEDE, COMPETE, OR CONFLICT WITH ANY OF THE PROVISIONS OF THE LAWS OF THIS STATE OR THIS NATION RELATING TO DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, ANCESTRY, POLITICAL ORIENTATION, HANDICAP, THE USE OF ADAPTIVE DEVICES OR AIDS, OR SOURCE OF INCOME WHEN DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT OR PUBLIC ASSISTANCE FUNDS.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Section 4. This ordinance will expire ten (10) years from the date of its adoption unless readopted by City Council.

By COUNCILMEMBERS SCHMIDT, CREAMER, WORTHINGTON, ADADO—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

City Clerk submits letter regarding transfer of funds for classification change.

Referred to the Committee on Ways and Means.

Letter from the Coalition for Community Concerns regarding appointment process of the Greater Lansing Convention/Exhibition Authority Commission.

Referred to the Mayor and the Committee of the Whole.

Petitions submitted from the Capitol Area Food and Beverage establishments opposing the non-smoking ordinance.

Referred to the Committee on General Services.

Two claim letters submitted for payment of ambulance fees from Lansing Mercy Ambulance Service by Jeffrey Raveiro 2023 Holly Way on behalf of his aunt, Gwendolyn Powers; and by Wayne Crosby, 709 Samantha.

Referred to the City Attorney.

By COMMITTEE OF THE WHOLE—

RESOLUTION #083

Resolved by the City Council of the City of Lansing:

Whereas, the Wrestling Team at Sexton High School recently completed an outstanding season, placing second in the Capital Area Conference, third in the District, third in the Region and fifth at the State Meet; and

Whereas, Head Coach Ron Becker and his assistants Bob Gast, Lyle McFadden and Ron Seyka have assembled a very talented group of young men, including five state qualifiers:

Class—Junior; Name—Robert Flanders; Wt. Class—105 lb.; Season Record—39-3-0

Class—Freshman; Name—Chris Henderson; Wt. Class—112 lb.; Season Record—27-12-0

Class—Junior; Name—Mitch Henderson; Wt. Class—145 lb.; Season Record—25-8-0

Class—Junior; Name—E.J. Pasteur; Wt.

Class—185 lb.; Season Record—32-6-0

Class—Junior; Name—Alfonso Marin; Wt. Class—Heavywt.; Season Record—30-6-0

And Whereas, Sexton's fifth-place finish in the State Meet was greatly assisted by Robert Flanders, who won the 105 lb. weight class, and E.J. Pasteur, who placed second in the 185 lb. class;

Now, Therefore, Be It Resolved the Lansing City Council hereby congratulates Coach Ron Becker and each member of the Sexton High School Wrestling Team for their accomplishments this past season.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

No comments.

REMARKS BY THE CITY COUNCIL

Councilmember Schmidt spoke regarding flooding of basements in the Lindbergh Area.

Councilmember Adado gave the "sports" round-up for the past week in Lansing. Remarkd that this was the week of the 125th Anniversary of Lansing School District and they were proud of Lansing students.

Councilmember Belen remarked on the deaths of Stanley Peck, former Councilmember and John Ames, former Fire Board members.

David Welch spoke on the Fair Housing Ordinance adopted this evening.

Walter Wahl spoke regarding the Handicapper view of the Housing Ordinance.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:35 p.m.

RITA M. BAUMAN,
City Clerk.

March 10, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, March 17, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

March 17, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Schmidt, Worthington—7.

Absent: Councilmember Lindemann—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By COUNCILMEMBER CREAMER—

That the council proceedings of February 10 and 17, 1986 be approved and Carried.

PUBLIC HEARING

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Neogen Corporation, 620 Leshar Place for rehabilitation of an existing facility.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

PUBLIC HEARING

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Neogen Corporation, 620 Leshar Place for new equipment.

The Council President will announce that if there is

anyone present who has any suggestions or objections to make to the proposed certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Baryames Cleaners, 2423 S. Cedar St. for new construction and equipment.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Baryames Cleaners 2423 S. Cedar St. for replacement of existing equipment.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 130 S. Eighth Street.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 915 Clark Street.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 1103 North Walnut St.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

March 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish located at 1701 South Washington Ave.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

City Attorney letter 1c was pulled from the agenda.

Resolution 5b was pulled from the agenda (10th floor conference room—no smoking)

Resolution 2a (Cherry Hill Prostitution Barricades) was pulled.

Diane Wade, 534 Cherry St. spoke regarding Resolution 2a (Cherry Hill Prostitution Barricades).

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—John F. Kelley, Darron W. Jones, Joseph V. Scarvarda, Michael J. Dumenev, David E. Shumaker, John N. Napier, Delbert L. Price, Denton L. Conley, Kenneth K. Schaefer, John G. Woodruff, Dale W. Napier, Jr., Lois L. Lugo, Richard E. Leeper.

Auctioneer—Harley Hatcher, William J. Stanton.

Peddler—Clint Kraft

Sign Erector—National Advertising Co., Huron Advertising Co., Inc.

Secondhand Dealer—Ramsey & Son Bicycles Sales & Repairs, Capitol Discount and Secondhand Store, Inc., Dicker & Deal Second Hand Store, Inc.

Building Wreckers—Edward G. Reid

Taxicab License—Spartan Cab Co.

Referred to the Committee on General Services.

Claim filed by Anita McClelland, 504 S. Mifflin St., for injuries sustained in a fall on Washington Sq.

Referred to the City Attorney.

Petition filed for rezoning Z-6-86—1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District filed by Randall J. Eberbach.

Referred to the Mayor and Planning Board.

Petitions filed for Curb and Gutter—(C—G-1)—Cypress Street from Roosevelt to Knollwood St.

Referred to the Mayor.

Gregg Cornell, Chairman of Delta Government Affairs, Committee, submits letter recommending appointment of Delta Twp. businessperson to the Greater Lansing Convention/Exhibition and Stadium Authority.

Referred to the Mayor and the Committee on Public Safety and Properties.

Michigan Municipal League submits notice of Region II meeting on April 22, 1986 at Monroe, MI.

Received and placed on file.

Letter requesting reconsideration of offer to purchase property beside Sparty's Coney Island submitted by Chris Baryames, Jr.

Referred to the Mayor and Committee on Public Safety and Properties.

Russell Wensink submits letter regarding the Smoking Ordinance.

Referred to the Committee on General Services.

HOWARD McCAFFERY, DIRECTOR OF PUBLIC SERVICE COMMENTS ON ANY ITEM ON THE AGENDA

No comments.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approved the following licenses and bonds:

Public Drivers—John F. Kelley, Darron W. Jones, Joseph V. Scarvada, Michael J. Dumeney, David E. Shumaker, John N. Napier, Delbert L. Price, Denton L. Conley, Kenneth K. Schaefer, John G. Woodruff, Dale W. Napier, Jr., Lois L. Lugo, Richard E. Leeper.

Auctioneer—Harley Hatcher, William J. Stanton.

Peddler—Clint Kraft

Sign Erector—National Advertising Co., Huron Advertising Co., Inc.

Secondhand Dealer—Ramsey & Son Bicycles Sales & Repairs, Capitol Discount and Secondhand Store, Inc., Dicker & Deal Second Hand Store, Inc.

Building Wreckers—Edward G. Reid

Taxicab License—Spartan Cab Co.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

March 13, 1986

President Benavides and Members
of Lansing City Council

RE: Outside Legal Counsel—Board of Water and Light

Dear President Benavides and
Members of City Council:

Recently the Board of Water and Light has requested your approval of the retention of outside legal counsel to represent them in two matters.

The first matter is for representation with regard to obtaining necessary permits and clearances to utilize a site near Creyts Road in Dimondale for fly ash disposal. Opposition by some nearby residents and potential problems make it necessary to obtain legal representation with regard to this matter. The Board of Water and Light wishes to retain Mr. Gary Tripod of the firm of Hinigman, Miller, Schwartz and Cohn to represent them in this matter. Mr. Tripod has extensive experience in environmental disputes of this nature, is located within the City of Lansing and, in this office's opinion, is extremely well qualified to represent the Board in this matter.

The second matter is for representation with regard to the denial, by the State Department of Natural Resources, of a permit to build a dike along a portion of the Red Cedar River. The dike is needed by the Board, and additionally, is planned to be used as part of the City's hiking and biking path. It is the Board of Water and Light's opinion that the denial of a permit for the dike was ill-founded and should be reversed. To represent them in this matter, the Board would like to retain Mr. David Haywood. Mr. Haywood is a local attorney who worked with the Department of Natural Resources for many years. His particular legal expertise in his area as well as his knowledge of the Department of Natural Resources make him an ideal choice to represent the Board in this matter.

Based on the above and the fact that both of these matters require specialized expertise to effectively handle them, this office recommends that the Board of Water and Light should be authorized to retain Mr. Tripod and Mr. Haywood to represent them in the above matters.

All fees and expenses with regard to that representation will be the responsibility of the Board.

Your expeditious consideration of this matter is requested.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the City Attorney and Mr. Gary Tripod and Mr. David Haywood be approved as outside legal counsel to be retained by the Board of Water and Light.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Blair, Creamer, Worthington—6.

Nays—Councilmember Schmidt—1.

March 13, 1986

President Benavides and Members
of the Lansing City Council

RE: Legal Counsel for Tax Anticipation Notes

Dear President Benavides and
Members of City Council:

As you know, revisions in State statute adopted last year enable the City of Lansing to issue tax anticipation notes in anticipation of its property tax collections. Last year such notes resulted in significant financial savings for the City of Lansing as well as the Lansing School District and other taxing entities.

To enable the City to issue such notes again this year with resultant savings, it is necessary to obtain bond counsel for the issue. The City Attorney's office does not have the specialized expertise necessary to provide that service in house.

To assist the City in this matter, this office recommends that the law firm of Miller, Canfield, Paddock and Stone should be retained. They have extensive expertise in this area of law, represented the City in this

matter last year, have extensive offices in the City and are willing to provide the service at their regular hourly rate plus expenses with a guarantee that the fee will not exceed \$17,500 in any event.

This office recommends and requests approval of the retention of Miller, Canfield, Paddock and Stone to assist the City in this matter. Your expeditious consideration of this matter is requested.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the retention of Miller, Canfield, Paddock and Stone be approved to assist the City regarding Tax Anticipation Notes.

Carried.

March 13, 1986

Terry J. McKane
Mayor of Lansing

Re: Convention/Exhibition Center

Dear Mayor,

On July 19, 1985, the Exhibition Hall Ad Hoc Committee unanimously adopted a resolution reading "A Bi-weekly report of any and all change orders processed during construction are to be presented to the Committee by the Executive Assistant to the Mayor. Major changes are to be underscored." This request, like all other subsequent requests, have been largely ignored.

Accordingly, in the spirit of cooperation, I am again requesting your assistance in obtaining the information I feel is necessary for me to meet my responsibilities to the people I serve. Such responsibilities include ascertaining the causes of budgetary overruns relative to the above captioned subject, and the formulation of an opinion as to whether my constituents are being best served by the methods being utilized to complete this project. I have no intention of relinquishing these responsibilities.

Specifically, I am requesting the following information in the following format.

1. A written description of all bidding and construction activity, and all change orders processed.
2. A summary in columnar form of all bids awarded. Column headings should include:

- Original Cost Estimate.
- Actual Bid Amount Awarded.
- Amount and Number of Change Orders Processed.
- Current Cost Estimate.
- Deviation Amount (Current Minus Original).
- Original Completion Date.
- Current Completion Date.

3. A summary of all items to be rebid should include:

- Original Cost Estimate.
- Low Bid Received.
- Current Cost Estimate.

- Original Completion Date.
- Current Completion Date.

4. A summary of all bid items pending should include:

- Original Cost Estimate.
- Current Cost Estimate.
- Original Completion Date.
- Current Completion Date.

5. The current line-item budget and expenditures to date.

I am assured that the information requested is already available. Further, the extent to which this request is treated in a comprehensive and timely manner is the extent to which the completion of this project is intended and will be facilitated. I cannot, however, assure you that based on earlier results that this project can be completed without disagreement.

Your prompt reply would be appreciated.

Sincerely,

LOUIS F. ADADO
Councilmember-At-Large

Referred to the Mayor.

DATE: 3/11/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning and Municipal Development
Department Director

RE: Resolution—Council accepting Sesquicentennial
Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By

CLEOPHUS BOYD,
Executive Assistant

Referred to the Committee of the Whole.

DATE: 3/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Citizens

RE: Smoking in Public Places.

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on General Services.

DATE: 3/13/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Department

RE: Financial Security—South Pines Subdivision

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By:

CLEOPHUS BOYD, Jr.,
Executive Assistant

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the financial security in the amount of \$2,750.00 be released for the South Pines Subdivision.

Carried.

DATE: 3/12/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

RESOLUTION #0084

By COMMITTEE OF THE WHOLE—

Resolved by the City Council of the City of Lansing:

Whereas, former City Councilmember Stanley C. Peck, Sr., passed away on March 10, 1986, at the age of 86; and

Whereas, Mr. Peck was first elected to the Council on December 2, 1952, and served a total of nine years, with a break between terms, until April 8, 1963; and

Whereas, following his elected service, Mr. Peck was appointed to the Public Service Board, on which he served for one year from June 1965 to June 1966; and

Whereas, Mr. Peck enjoyed a rewarding 26-year career as director of the Ingham County Council on Veteran's Affairs following World War I service in the

U.S. Navy;

Now, Therefore, Be It Resolved, the Lansing City Council hereby offers tribute to the memory of Stanley G. Peck, Sr., for his years of service to the people of Lansing and expresses sincere sympathy to the family and friends of Mr. Peck in their time of grief.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0085

Resolved by the City Council of the City of Lansing:

Whereas, former Police and Fire Commissioner John A. Ames passed on March 10, 1986, at the age of 72;

Whereas, "Bud" Ames was a longtime resident of Lansing who was first appointed to the Board of Police and Fire Commissioners on November 30, 1953, and he served with distinction including a term as Board Chairman until November 30, 1964; and

Whereas, Mr. Ames retired as a supervisor in 1974 after a 33-year career with the Oldsmobile Division of General Motors Corporation;

Now, Therefore, Be It Resolved, the Lansing City Council hereby pays tribute to the memory of John A. "Bud" Ames for his many years of service to the residents of the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0086

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has appointed nine individuals to the newly-created Greater Lansing Convention/Exhibition Authority Board of Commissioners; and

Whereas, said appointments require review and confirmation by City Council; and

Whereas, the Committee on Public Safety and Properties has interviewed the five appointees who are residents of the City of Lansing and has recommended confirmation of each;

Now, Therefore Be It Resolved, the Lansing City Council hereby confirms the following Mayor's appointments to the Greater Lansing Convention/Exhibition Authority Board of Commissioners:

—Douglas Mills, 1314 Barnes Avenue, for a term to expire December 31, 1987;

—Robert Mitchell, 1700 Lindbergh Drive, for a term to expire December 31, 1988;

—Lee Hendrickson, 610 Kendon Drive, for a term to expire December 31, 1988;

—Larry Meyer, 2923 Kirkwood Road, for a term to expire December 31, 1990; and

Laura Lasater, 900 Long Boulevard, Apartment 212, for a term to expire December 31, 1990.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0087

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has forwarded a staff recommendation to remove the temporary adult crossing guard at the intersection of Brighton and Stillwell, and to deny as unjustified the request for a permanent adult guard at this location; and

Whereas, the Committee on Public Safety and Properties has reviewed the staff recommendation with residents of the area and determined that a three-way stop at the subject intersection may provide reasonable and adequate alternative to provide protection for affected Wainwright Elementary School students;

Now, Therefore, Be It Resolved, the Lansing City Council hereby requests the Transportation Engineer to install a three-way stop at the intersection of Brighton and Stillwell for a 60-day trial period, with a report back to City Council following the trial; and

Be It Further Resolved, the Administration is authorized to remove the temporary adult crossing guard at said intersection one week after installation of the stop signs; and

Be It Further Resolved the Administration is requested to contact the Executive Director of the Lansing Area Safety Council and the Wainwright Elementary School Principal to coordinate the placement of property trained and motivated safety patrollers at said intersection at appropriate times on school days; and

Be It Further Resolved, a final decision on the residents' request for a permanent adult crossing guard at said intersection is postponed pending receipt of the Mayor's report and recommendations after the 60-day trial period.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0088

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Dietetic Association has applied for a parade permit for a run to be held in the Frances Park area on Saturday, April 19, 1986; and

Whereas, representatives of the applicant organization desire some changes in the previously approved details for the run from their original application; and

Whereas, there is no compelling reason to delay Council approval of the application provided details of the run can be worked out with appropriate

elements of the Administration;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the parade application of the Lansing Dietetic Association for a run in the Frances Park area on Saturday, April 19, 1986; and

Be It Further Resolved, such approval is contingent upon final approval by the City Administration of details of the run, including but not limited to starting time and route.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0089

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-6-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 3366 Remy Drive; and

Whereas, Speaker-Hines & Thomas, Inc. has submitted an application for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of existing machinery and other improvements; and

Whereas, a hearing was held on Speaker-Hines & Thomas' application for the Exemption Certificate on March 3, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Speaker-Hines & Thomas, Inc. has met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated March 10, 1985 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Speaker-Hines & Thomas, Inc. for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of equipment in Lansing Plant Rehabilitation District IPR-6-85, to remain in effect for twelve years.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0090

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-6-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 3366 Remy Drive; and

Whereas, Speaker-Hines & Thomas, Inc. has submitted an application for an Industrial Facilities Exemption Certificate for new equipment, machinery and other improvements; and

Whereas, a hearing was held on Speaker-Hines & Thomas' application for the Exemption Certificate on March 3, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Speaker-Hines & Thomas, Inc. has met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated March 10, 1985 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Speaker-Hines & Thomas, Inc. for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of equipment in Lansing Plant Rehabilitation District IPR-6-85, to remain in effect for twelve years.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0091

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-3-75, at property commonly known as 2200 Olds Avenue; and

Whereas, Industrial Welding, Inc. has applied for an Industrial Facilities Exemption Certificate for a new facility at 2200 Olds Avenue; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Industrial Welding's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-3-75; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, March 31, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0092

Resolved by the City Council of the City of Lansing:

Whereas, on February 18, 1985, the City Council approved a resolution establishing a Lansing Plant Rehabilitation District IPR-1-85, for Nehi Beverages, Inc.

Whereas, the City Council hereby amends that resolution to include the following paragraph.

Whereas, after considering all the testimony presented to this Council, this Council has determined that within the District there is property which comprises 50% or more of the S.E.V. which is obsolete.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0093

Resolved by the City Council of the City of Lansing:

Whereas, on June 3, 1985, the City Council approved a resolution establishing a Lansing Plant Rehabilitation District IPR-2-85, for Baryames Cleaners, Inc.

Whereas, the City Council hereby amends that resolution to include the following paragraph.

Whereas, after considering all the testimony presented to this Council, this Council has determined that within the District there is property which comprises 50% or more of the S.E.V. which is obsolete.

Adopted by the following vote:

Unanimously.

By COMMITTEE BY ECONOMIC DEVELOPMENT—

RESOLUTION #0094

Resolved by the City Council of the City of Lansing:

Whereas, on August 12, 1985, the City Council approved a resolution establishing a Lansing Plant Rehabilitation District IPR-3-85, for R.G. and Irma J. Curtiss.

Whereas, the City Council hereby amends that resolution to include the following paragraph.

Whereas, after considering all the testimony presented to this Council, this Council has determined that within the District there is property which comprises 50% or more of the S.E.V. which is obsolete.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0095

Resolved by the City Council of the City of Lansing:

Whereas, on August 12, 1985, the City Council approved a resolution establishing a Lansing Plant Rehabilitation District IPR-4-85, for Neogen Corp.

Whereas, the City Council hereby amends that resolution to include the following paragraph.

Whereas, after considering all the testimony presented to this Council, this Council has determined that within the District there is property which comprises 50% or more of the S.E.V. which is obsolete.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—**RESOLUTION #0096**

Resolved by the City Council of the City of Lansing:

Whereas, on October 7, 1985, this City Council approved a resolution establishing a Lansing Plant Rehabilitation District IPR-5-85, for Inter State Foods, Inc.

Whereas, the City Council hereby amends that resolution to include the following paragraph.

Whereas, after considering all the testimony presented to this Council, this Council has determined that within the District there is property which comprises 50% or more of the S.E.V. which is obsolete.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—**RESOLUTION #0097**

Resolved by the City Council of the City of Lansing:

Whereas, on November 18, 1985, the City Council approved a resolution establishing a Lansing Plant Rehabilitation District IPR-6-85, for Speaker-Hines & Thomas, Inc.

Whereas, the City Council hereby amends that resolution to include the following paragraph.

Whereas, after considering all the testimony presented to this Council, this Council has determined that within the District there is property which comprises 50% or more of the S.E.V. which is obsolete.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—**RESOLUTION #0098**

Resolved by the City Council of the City of Lansing:

That a public hearing be held by City Council in the Council Chambers on April 21, 1986, for the purpose

of receiving public comments on the proposed sale of Urban Renewal Parcel 12, Project No. 1, Mich. R-87, to R&A Development Co.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—**RESOLUTION #0099**

Resolved by the City Council of the City of Lansing:

Whereas, Thursday, March 13, 1986, is the 125th Anniversary of the creation of the Lansing School District; and

Whereas, the Lansing public school system is a definite asset to this City's quality of life, helping make Lansing more attractive for new business, new residents and new investment;

Now, Therefore, Be It Resolved the Lansing City Council hereby offers heartiest congratulations to the Lansing Board of Education, Superintendent of Schools Richard Halik, and each member of the Lansing School District staff on the occasion of the District's 125th Birthday!

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCE(S)

The following ordinance(s) of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Providing for the repeal of Chapter 30 containing sections numbered Section 30-1 through 30-16 of the Code and declaring the same to be null and void and of no effect.

Providing for the repeal of Chapter 33 containing sections numbered Section 33-1 through 33-43 of the Code and declaring the same to be null and void and of no effect.

Providing that a new Chapter 33 containing sections numbered section 33-1 through 33-28 be added to the Code for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses and wreckers were introduced by Councilman Worthington read a first and second time by their title(s) and referred to the Committee on General Services.

By COMMITTEE ON GENERAL SERVICES—**RESOLUTION #0100**

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, April 7, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the following ordinances:

- a. For the repeal of existing Chapter 30, Taxicabs
- b. Repeal of existing Chapter 33, Vehicles for Hire.

c. Adding a new Chapter 33, Vehicles for Hire, containing Article 1—Taxicabs, and Article 2—Wreckers.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Mt. Hope P.T.A. and Principal regarding potential hazards resulting from a lack of railroad crossing gates at Mt. Hope and Lyons Ave. and Baker and Ada Streets.

Referred to the Committee on Public Safety and Properties.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing:

That Councilman Lindemann be excused from the session.

Carried.

**REMARKS BY HOWARD McCAFFERY,
DIRECTOR OF PUBLIC SERVICE,
REPRESENTING THE MAYOR'S OFFICE**

Mr. McCaffery stated that the Internal Auditor should answer the request of Councilmember Adado regarding the Convention/Exhibition Center. (Letter on agenda tonight.)

REMARKS BY THE CITY COUNCIL

Councilmember Adado gave the area sports report for the week, and asked questions regarding the condition of Willard Street.

Councilmember Blair spoke regarding the Human Service Committee finding reasons for nutrition sites dropping throughout the City. He also asked for a report from Police Department regarding whether a report is made on small stolen items.

Councilmember Creamer remarked about the trash and damage to West Side Park and was told that B.O.C. and Fisher Body would correct the situation when weather is dry enough to do so.

(Copy of agreement adopted May 14, 1985)

**AGREEMENT BETWEEN CITY OF LANSING
AND LANSING TOWNSHIP REGARDING
RADIO MAINTENANCE**

Clark Johnston read the proposed agreement between the City of Lansing and Lansing Township regarding radio maintenance.

Moved by Trustee Halstead, supported by Trustee

Love, that the following Agreement between the City of Lansing and Lansing Township be approved by the Board of Trustees and that the Supervisor be authorized to sign:

This agreement, entered into this 14th day of May, 1985 by and between the City of Lansing, hereinafter referred to as "City" and the Township of Lansing, hereinafter referred to as "Township" wherein the aforementioned parties agree as follows:

1. SCOPE OF SERVICE

A. The City shall perform both scheduled and unscheduled maintenance on all Township Police Department radio equipment, both mobile and fixed. Such services shall include parts replacement by the City (with the exception of batteries), overhauls, all repairs and inspections.

B. City shall be responsible for the maintenance and installation of radio equipment including electronic sirens, mobile scanners, Modat, and six mobile radios, seven portable radios, chargers, one console base and one repeater base. This service shall generally be performed between 8:00 a.m. and 5:00 p.m., Monday through Friday, on a twenty-four (24) hour, seven (7) day a week basis when absolutely necessary in order to continue the operation of the Township's Police Department.

C. Any installation will not be made on more than five (5) Township police vehicles in one (1) year's time, or seven (7) Township police vehicles during the term of this Agreement.

D. Instruction manuals will be provided by the Township to the City at no cost on all new equipment and on existing equipment when possible.

E. The Township understands that the City would not be obligated under this Agreement for the repair or replacement of base station antennas and transmission lines and any tower climbing associated with their replacement.

F. The City reserves the right to declare a radio non-repairable in the event it is submerged in water for more than five (5) minutes, subject to battery acid (or any other acid atmosphere), or if the cost for parts for repair exceeds 20% of its depreciated value.

G. This agreement may be cancelled by either party upon one (1) year's prior written notice. Refund of prepayment shall be made based on an even prorated amount over a twelve (12) month period.

**2. COMPENSATION AND METHOD OF
PAYMENT**

Township, in consideration for the services performed by the City pursuant to the terms of this contract, shall make one payment of Three Hundred Eighty-Four and No/100 Dollars (\$384.00) to the City on May 1, 1985; one payment to the City of Twenty-Three Hundred and No/100 Dollars (\$2,300.00) on July 1, 1985; and one payment of Twenty-Three Hundred and No/100 Dollars (\$2,300.00) to the City on July 2, 1986.

3. TIME OF PERFORMANCE.

The effective date of this Agreement shall be June 1, 1985 and the City shall commence performance of the scope of services of this Agreement June 1, 1985 and shall continue performance to and including June 30, 1987 unless terminated sooner as provided herein.

Carried.

Council adjourned at 8:00 P.M.

RITA M. BAUMAN,
City Clerk.

4. The City and Township are equal opportunity employers and mutually agree not to discriminate on any illegal basis in performance of this contract.

March 17, 1986
Lansing, Michigan

5. This contract shall be renewable on a bi-annual basis following renegotiation of service levels and payments. Services shall not be interrupted without notice at time of renewal.

6. Any amendment to this contract shall not be valid unless in writing and executed by both parties to this contract. In addition, any waiver or modification shall not be valid or binding unless in writing and executed by both parties to this contract.

7. Both parties agree that the contract contains all the terms and conditions between the parties and any statements, representations or warranties not contained herein shall not be valid or binding on either party.

8. Both parties agree that the services performed under this Agreement shall not result in any employees of the Township or City being transferred or reassigned to the other party of this Agreement.

In witness whereof, the parties have caused this Agreement to be executed the day and year first above written.

Roll Call Vote: Ayes: Love, DeNike, Fitzgerald, Halstead, Johnston, Denslow, Daher. Motion approved.

WITNESSES:

Rosemarie Kazenko
Ruth C. Ward
DeeAnn M. Overton

CITY OF LANSING:

Terry J. McKane, Mayor
Rita Bauman, City Clerk

LANSING TOWNSHIP

John Daher, Township Supervisor

APPROVED AS TO FORM:

Stephen R. Sawyer, City Attorney.

I hereby certify that funds are available in the account

Stephen W. Duarte, City Controller.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, March 24, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

March 24, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Creamer, Schmidt, Worthington—6.

Absent: Councilmembers Blair, Lindemann—2.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of February 24, 1986 be approved and Carried.

PUBLIC HEARING

March 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Capitol Commons Office Project.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed project they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Steven T. Floyd, 118 W. Lenawee St., spoke on Communication No. 1.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

That the Mayor be able to submit his Budget Message after the public comments.

Carried.

March 24, 1986

Council President Tony Benavides and City Councilmembers

Dear President Benavides and Councilmembers:

Tonight, I wish to present to you, and to all the citizens of Lansing, my fifth annual recommended budget. As I begin my second term as Lansing's Mayor, I look back on the challenges and accomplishments of the last four years. I thought, as I know you did, that we had faced and addressed many very difficult issues. But, as I look forward in this budget, I see ever-increasing fiscal challenges which you and I must address if the City is to keep moving forward.

This budget which I present tonight begins the task of addressing those challenges aggressively and forthrightly. I have not sidestepped the difficult issues and I have not hesitated where decisive action is clearly needed.

Lansing has made significant progress in the last four years. We have trimmed the size of local government and now have a very lean and trim work force. We have pursued our goals of economic development and revitalization with firm determination. We have improved the public safety services we provide and have maintained our commitment to enhancing the quality of life through good public services, human services, and the arts.

I have repeatedly voiced my commitment to improving our neighborhoods, creating new jobs, providing high quality public safety, parks, recreational and human services, and at the same time, keeping our property tax rate as low as possible. I have lived up to that commitment as your Mayor and I firmly intend to continue to do so.

Lansing has indeed been fortunate. Our economy rebounded from the severe recession of the early 80's, and we currently have a strong local employment picture. However, Lansing, like the rest of Michigan, is still more highly susceptible to the downturns of the economy than is most of the U.S. We still have too many unemployed who do not share the benefits of the economic recovery.

And now we are faced with a major change in the Federal/State/Local partnership that we have developed over the past two decades. Proposed elimination of Federal Revenue Sharing at the end of our current budget year, severe reductions in Community Development Block Grants allocations, proposed elimination of UDAG funds, serious reduction in highway and bridge funds, and host of other proposed funding reductions pose a serious threat to our ability to continue services at the levels we want and have grown accustomed to being able to deliver in Lansing. Federal Revenue Sharing alone will result in a reduction of \$2.8 million to the City annually, an amount equal to over 2.0 full mills on the property tax rate.

At the same time, we have had to face the need to provide funds for long-standing commitments we have made to economic development in our community. The funds needed for the Exhibition Hall, for the Edgewood Boulevard, for a North Lansing Industrial Road, and a host of other projects have required substantial sums from City funds.

Our labor costs continue to rise both due to inflation and to collective bargaining. Further, arbitration awards and court orders have forced us to incur costs at a level even higher than we had predicted.

We must work together to protect our citizens, our children, our homes, and our community in spite of rising costs and seriously declining resources. We *cannot* ignore the financial issues and we *must* not ignore the serious needs.

I have looked long and hard at our resources, our needs, and at the budget. I *know* we have trimmed the "fat" and worked diligently to improve efficiency. I cannot, therefore, in good conscience recommend any further across-the-board reductions.

I have therefore, after much soul searching consideration, recommended to you a budget which continues services generally at current levels and even provides enhancements in selected public safety area.

To accomplish this, I recommend to you a General Fund budget of \$61,683,943 for operations, \$1,688,841 for capital improvements, \$600,000 for Contingencies, and \$100,000 for Council Allocation.

TAX RATES AND FEES

After maintaining the City property tax levy at 10.25 mills for operations for five consecutive years, the longest such period in memory, I am recommending an increase to 11.95 mills for operations and capital improvements and .95 mills for debt service. This total levy of 12.90 mills is lower than that of 1976.

I have not used the tax levy to build up large surpluses. In fact, in an effort to keep the levy down, we now also have to address the need for a larger rainy day fund balance. With the cutback in federal funds

and the mandated costs coming from federal, state, and judicial decisions, and the increasing liability costs we bear, we must maintain a sufficient reserve to protect the City.

I have also included a variety of fee changes that we must make if we are to avoid continuously escalating property tax rates. The most significant of these increases is the use of the authorized one percent (1%) collection fee on property taxes. As you all know, state law expressly provides for such a collection fee for units which collect property taxes. We have not availed ourselves of that right in the past. But, as costs of collection rise significantly and court decisions threaten to forestall our ability to even partially recoup our costs through interest earnings while we are collecting and distributing taxes to other taxing entities, we need to levy the fee to help defray those costs. Also, if we do not levy this fee, there is a legal question as to whether our taxing units could join even voluntarily into the cost of the defense of assessments by major corporations.

Lansing collects \$67,296,010 of taxes for the School District, Ingham County, LCC, CATA, and the Airport Authority. We only collect \$13,575,450 in property taxes for actual City operations. It is only logical and fair that the City should recover some of the costs we incur to assess, defend, tax, and collect for all of these other units who receive their funds without any of the costs or burdens of collection activities. While the challenges in this area were not caused by any Lansing community or taxing authority, we are all faced with the consequences of the court decisions made elsewhere in Michigan.

Another major change I am proposing is in our fee and rate structure. I propose to set fees at rates which recover costs, particularly in areas that involve fees or charges for non-compliance with laws, regulations, or ordinances. I have written to the Chief Judge of the 54-A District Court asking that the judges also adjust their fines and cost assessments.

Virtually all of these fees are included within the budget. I have not, however, been able to include the Building Fee proposals, as the Planning and Municipal Development Department was unable to meet the deadlines to have them incorporated into the budget.

In the area of fees, I have also recommended an orange bag increase from 50¢ to 65¢ per bag. We have not increased our rates in four years. I have also proposed the continuation of Spring and Fall leaf pickup and Christmas tree pickup. I have, however, proposed the elimination of City-paid bulk pickup. It costs, according to Public Service staff, \$26 or more to pick up one bulk item. The City program which supplements and is competed with by significant private industry, is currently being disproportionately burdened by bulk pickup. I have even been reported to me that at least one vendor has told customers to simply put out one orange bag when they have a bulk item, because it would cost them \$25 or more to have it picked up otherwise.

I deeply regret that a public/private partnership isn't working on refuse collection. But we must face reality. There are private sector alternatives to the City doing bulk pickup—and if individuals accumulate trash in their yards, we can and will use our building ordinance enforcement powers to assure clean neighborhoods. We cannot subsidize the private sector, and

I do not feel that we should burden the property taxpayer with the responsibility of such subsidization either. There is no public good, only private profit, and who pays for the unprofitable tasks?

PROGRAM RECOMMENDATIONS

To continue on the path that we have established, I am recommending:

1. Moving sworn police officers out of the jail, replacing them with civilians and putting the police officers into a flexible crime suppression/enforcement/special needs task force. To accomplish this, I am proposing the creation of nine (9) civilian jailers.

2. Purchasing a new fire engine (\$263,544), a new ambulance (\$64,976), and a new helicopter (\$161,380).

3. A proposed bonding package for street improvements, including the second phase of Edgewood Boulevard. I will be forwarding a recommendation from Public Service on this so that you could place this proposal on the June ballot to enable these projects to go forward in this calendar year.

4. Improvements to our neighborhoods through additional staff support in the Building Division to handle increased mechanical inspections and to handle multi-unit license inspections.

5. I have again included the funding for the Neighborhood Council to keep good communication open with our neighborhood citizens' groups.

6. I have included \$100,000 for allocation by the City Council. There are many programs and groups seeking additional or new funding that we cannot provide. I support the Boys Club/Girls Club, the Hiking-Biking Path, further funding of emergency needs, the Neighborhood Council, and increasing the Emergency Fund. I have prioritized \$63,974,784, but I ask you to go the final step to ensure that your police and programmatic priorities are met.

7. Continued improvement in the efficiency of City operations through increasing utilization of computers. We have made significant progress both in the use of the main frame for programs such as the City parking ticket system and voter registration, and increasing use of micro-computers to assist in public safety, information processing, and a wide range of other City functions. I have also included funding for a new personnel/payroll system to replace the archaic ones currently used.

REORGANIZATION PURSUANT TO CITY CHARTER

In the upcoming year, the City will be initiating some long discussed changes. We will turn over to the newly created Greater Lansing Convention/Exhibition Authority the operation of the new facility and the existing Civic Center. The City will cease directly operating any such programs and will focus its energies in other areas of City services.

To accomplish this, the City will be shutting down its own Civic Center operation, eliminating 21 positions from City government, and leasing the facility itself to the independent authority for the interim, with a goal of selling it to the State of Michigan in the near future.

I am proposing the transfer of the Parks Security Unit to the Police Department. Due to the on-going operational, legal, and liability issues that we *must* address, I am convinced that we need to have *only one* police agency in City government. This liability issues alone, based on several recent occurrences, force this decision. After consultation with the Labor Relations Director, it appears that this is the only feasible way to handle the problem within the boundaries of our existing labor agreements. My original intentions or how to address this matter are apparently not possible, and failure to do anything would be a serious breach of responsibility.

I am also proposing a reorganization to eliminate a separate Safety Division within the Personnel Department and to have that function, with its staff, incorporated with the Personnel operation. There is no change in cost, but it allows more effective and efficient operation of that department.

Each of the above reorganizations will improve our services and make City government better. I strongly recommend your approval of them.

CAPITAL IMPROVEMENTS

Our capital improvements budget has been somewhat limited in recent years. Of the tax rate I am proposing, I recommend that .2 mills be set aside for Capital Improvement Program projects over and above the average of approximately \$1,000,000 appropriated in Fiscal 1982-85.

We need to keep up our efforts in this area. There is always going to be a need or a desire for exceeding our resources. However, we must assure that we are planning and managing prudently so that our infrastructure, our buildings, and our development needs can be addressed.

To address all of these needs, I have included:

- \$100,000—Street and Road Services
- 40,000—Washington Mall Opening
- 789,000—Remaining Exhibition Hall Construction
- 500,000—Furniture, Fixture and Equipment, Including the Telephone Service for the Exhibition Hall
- 150,000—Replacement of one City Hall Elevator
- 39,250—New Starter House at Sycamore Golf Course

I have also included within my plans Act 51 bonding to provide for:

- Edgewood Boulevard—Phase I Construction
- North Lansing Industrial Road
- Approach to the Capitol
- Aurelius Road Modification

I propose to issue approximately \$2 million in Act 51 revenue bonds to accomplish the funding of these four projects. The \$100,000 General Fund capital account is designed to supplement the operation so that this bonding does not impair our overall street maintenance operations.

The consolidated funding plan addresses the major needs we have agreed upon for the next eighteen months. It will be difficult. We cannot afford to add to the totals involved, as we have virtually no room at all according to the Finance and Public Service Directors' projections.

CONCLUSIONS

This year's budget has been very difficult. We are faced with types of decisions that are most unpleasant for us as elected officials. We either have to cut services or increase revenues. I have outlined my recommendations and their rationale. I believe they are in the best interests of our citizens and our City. That does not mean that everyone will be happy. Everyone is happiest when they can have all of their needs and desires addressed, but they don't have to pay for it. We can't fulfill that wish. We must make the best overall policies and programs we can within the realities and constraints that we face.

If you do not want to support my recommendation for a property tax increase and fee increases, we cannot afford:

\$251,240 for Police Positions
 \$161,380 for a Helicopter
 \$263,544 for a Fire Engine
 \$99,100 for Police Computer Equipment
 \$152,963 for a Personnel/Payroll System
 \$150,000 for Replacement of City Hall Elevators
 \$39,250 for a new Sycamore Starter House
 \$40,000 for Opening the Washington Mall
 \$100,00 for Special Programs allocated by Council

And we will be forced to lay off approximately 75 to 90 people City-wide. No department would, or could, be exempted simply because of where the dollar costs are.

I cannot recommend such a course to you, and I urge you not to be enticed into short-sighted or unreasonable choices.

I urge you to work with me to help keep Lansing on track and to move forward to becoming the great Capital City we can be.

Thank you.

Respectfully submitted,

TERRY J. McKANE,
 Mayor.

Referred to the Committee of the Whole.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—Bennett W. Hart, David W. Harte, Charles J. Lloyd, Joe H. Turner.

Automobile Wreckers—P.J.'s Towing, L&L Mobil Service Center, Kessler's Service.

Taxicab—Yanks, Inc.

Building Wreckers and Movers—E.T. MacKenzie Co., Bierlein Demolition Contractors, Inc.

Sign Erector—Sign Art, Inc., Central Advertising Co.

Auctioneer—Steven L. Reeser.

Referred to the Committee on General Services.

Claims filed by:

a. Marsha L. Tracy, St. Johns, MI, for reimbursement of automobile tire from hitting a pot hole.

b. Raymond C. Frisbie for reimbursement of special assessment on taxes for trash pickup at 141 Garden St.

c. Acorn Realty, Inc. for reimbursement of special assessment for property at 406 S. Hayford.

Referred to the City Attorney.

Steven T. Floyd, 118 W. Lenawee St., submits request for payment of back Workman's Compensation Benefits and investigation of events concerning his claim.

Referred to the City Attorney.

Petition filed for rezoning Z-7-86—1903 Wood and 1804 David Street, described as:

1903 Wood St: Lot 1 Assessors plat #50
 (132x264 = 34,848 square ft.)

1804 David St.: Lots 2 thru 6 inclusive, Assessor's plat #50, (264x412.5 = 108,900 square ft.)
 Total Sq. ft. 143,748

To be rezoned from "A" Residential District to "DM-1" Residential District filed by David and Mary McCardell.

Referred to the Mayor and Planning Board.

Petition filed for Special Land Use—SLI-3-86, 301 W. Jolly Road for relocation of established church filed by Mt. Hope Presbyterian Church.

Referred to the Mayor and Planning Board.

Application for Limousine Service filed by Atty. Neil H. Holt on behalf of Denver D. Goins, 1121 N. Jenison.

Referred to the City Attorney.

Letter from J. Landon, Motor Wheel Safety Committee, requesting traffic light at intersection of North East St. and Lake Lansing Road.

Referred to the Mayor.

Donal R. Anderson, 3400 Inverary Dr., submits suggestions regarding sidewalks, traffic signs and rubbish pickup for consideration.

Referred to the Mayor.

Consumers Power Co. submits notice of public hearings for Reconciliation proceedings concerning costs and revenues under 1985 Cost Recovery Plan for:

a. Gas Supply Costs on April 3, 1986 in the Michigan Public Service Commission Offices, 6545 Mercantile Way.

b. Electric Power Supply Cost on April 1, 1986 in the Michigan Public Service Commission Office, 6545

Mercantile Way.

Received and placed on file.

**MAYOR COMMENTS ON ANY ITEM
ON THE AGENDA**

No comments.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—Bennett W. Hart, David W. Harte,
Charles J. Lloyd, Joe H. Turner.

Automobile Wreckers—P.J.'s Towing, L&L Mobil
Service Center, Kessler's Service.

Taxicab—Yanks, Inc.

Building Wreckers and Movers—E.T. MacKenzie
Co., Bierlein Demolition Contractors, Inc.

Sign Erector—Sign Art, Inc., Central Advertising
Co.

Auctioneer—Steven L. Reeser.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

March 20, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Manuel Ibarra in the amount of
\$1,858.57

Dear President Benavides
and Members of City Council:

On March 10, 1986 Manuel Ibarra filed a claim with
City Council in the amount of \$1,858.57 for damage
to various items and for clean up of his basement due
to a sewer backup on February 18, 1986.

A review of this claim by our office indicates that if
any liability exists on the part of the City, coverage
from the City's insurance carrier would be available.
Therefore, this matter has been referred to the City's
insurance carrier for their investigation.

Therefore, at this time no further action by City
Council is needed in this matter.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

March 20, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Anita McClelland

Dear President Benavides
and Members of City Council:

On March 17, 1986 Anita McClelland filed a claim
with the City Council alleging personal injury as the
result of a fall on the Washington Square Mall.

A review of this claim by our office indicates that if
any liability exists on the part of the City, coverage
from the City's insurance carrier would be available.
Therefore, this matter has been referred to the City's
insurance carrier for their investigation.

Therefore, at this time no further action by City
Council is needed in this matter.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

President Benavides and Members
of the Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public
Drivers License for Michael Thomas Ashcraft which
was denied by the Police Department. This is a
renewal application.

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on General Services.

Mayor Terry McKane
Council President Antonio Benavides
and City Council Members

Dear Mayor McKane and Councilmembers:

Attached is a letter from Donald G. Schumacher,
President of the Cincinnati Riverfront Coliseum, ex-
pressing interest in either being selected manager or a
management firm for our new facility.

Mr. Schumacher had earlier contacted our office to
learn of the status of our Hotel and Exhibition Hall
Project and to determine if an Authority would be ap-
pointed to serve in an overseeing capacity. He and his
group have established a superb record for Cincinnati.

Further, contact, if desired, may be made at 100
Broadway, Cincinnati, Ohio 45202, or at telephone
number (513) 241-1818.

Sincerely yours,

EMERSON OHL,
Executive Director.

Referred to the Mayor.

March 18, 1986

Tony Benavides, President
Lansing City Council

Dear Council President Benavides:

This letter is written to request your assistance in waiving the rental fee of \$200 for use of the Civic Center Terrace Room. On March 4, 1986, the Human Relations Board held their annual Human Relations Dinner at the Lansing Civic Center.

It has always been our intent to hold these dinners within the City of Lansing. However, each year, due to the number of persons attending, it has become increasingly difficult to find a local hotel or restaurant large enough. As you know, the expense of the room is usually included in the cost when food is involved. Therefore, the Board decided to stay in downtown Lansing and utilize the Civic Center facility.

The purpose of the dinner is to extend appreciation to those persons who have assisted the Human Relations Department and/or Board throughout the year. Also, it provides a forum to present the Annual Hugo B. Lundberg, Jr. Award. The Lansing City Council was the recipient of this Award in 1982. (See attached Program).

Again we are requesting the assistance of City Council to waive the cost for the use of the Civic Center Terrace Room by the Human Relations Board.

Your approval of this request would be greatly appreciated.

Sincerely,

DR. PATRICIA SHINSKY,
Chairperson
Lansing Human Relations Board

Referred to the Committee on Ways and Means.

DATE: 3/19/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Dir.

RE: Tax Abatement Review

IPR-2-85, S. Cedar St.
IPR-4-85, 620 Leshner Place

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Economic Development.

DATE: 3/17/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Public Service Director

RE: Trash in R.O.W. Removal Assessment for June,
1986 (V-12)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By COUNCILMEMBER CREAMER—

That this trash in R.O.W. Removal Assessment be placed on the June, 1986 Tax Roll (V-12).

Carried.

DATE: 3/19/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Building Safety Dir.

RE: Trash Assessment for July 1986 Tax Roll
\$6,155.00)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By COUNCILMEMBER CREAMER—

That this trash assessment in the amount of
\$6,155.00 be placed on the July 1986 Tax Roll (U-30).

Carried.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #101

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Department of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 130 S. Eighth Street legally described as:

S 44 ft. of the E 88 ft. of Lot 11, Block 5, Green Oak Add.

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on January 23, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of

their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on March 17, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—
RESOLUTION #102

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 915 Clark Street legally described as:

Lot 26, Assessor's Plat No. 21

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on January 23, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of

their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on March 17, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—
RESOLUTION #103

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1103 North Walnut legally described as:

N 33.875 ft. of the S 3-3/4 Rods of the East 78 ft. of Lot 6, Block 37, Original Plat

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on January 23, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on March 17, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #104

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1701 South Washington legally described as:

W 79 ft. of the N 32 ft. of Lot 3, Orchard Home Addition

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on January 23, 1986, at which the Hearing Officers determined that said building was an unsafe or dan-

gerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on March 17, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #105

Resolved by the City Council of the City of Lansing:

Whereas, acts of solicitation and prostitution are detrimental to the public health, safety and welfare in residential neighborhoods; and

Whereas, the Cherry Hill neighborhood area has been exposed to a high incidence of street prostitution and acts of solicitation; and

Whereas, the City Council has determined that closing streets to all but local traffic has the effect of deterring and decreasing incidences of street prostitution and solicitation of acts of prostitution;

Now, Therefore, Be It Resolved, pursuant to Section 31-37.1 of the Lansing Code of Ordinances, City Council hereby closes the following streets to all but local traffic between the hours of 7:00 p.m. and 7:00 a.m. each Monday night through Friday night, and between the hours of 7:00 p.m. each Saturday and 7:00 a.m. of the following Monday and authorizes the establishment of appropriate barricades and signs to indicate such closure:

River Street between Kalamazoo Street and East St. Joseph Street

Hillsdale Street between South Washington Avenue and the Grand River

Lenawee Street between South Grand Avenue and the Grand River

Be It Further Resolved, the Cherry Hill Neighborhood Association shall perform the following duties:

Place the barricades in the street promptly at the time specified for street closure, and then move the barricades off the street promptly at the time specified for street re-opening.

Place the barricades between the curb and sidewalk at 7:00 a.m. and then turn the barricades so they do not face vehicular traffic.

Inform the City of Lansing, of the name, address and phone number of (2) people who are responsible for the placement and moving of the barricades on a daily basis; and

Be It Further Resolved the City Administration is authorized to remove the barricades if the Cherry Hill Neighborhood Association does not comply with their duties; and

Be It Further Resolved the City Administration is requested to report back to the City Council after 30 days with information on how well the above schedule meets the needs of the neighborhood, plus any operational problems that require Council attention; and

Be It Finally Resolved this resolution shall expire when so requested by the Cherry Hill Neighborhood Association.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Petitions submitted from residents in the 700 block of N. Verlinden Street requesting Tow Away Zone designation.

Referred to the Committee on Public Safety and Properties.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That Councilmembers Lindemann and Blair be excused from the session.

Carried.

REMARKS BY THE MAYOR

Mayor McKane spoke on his recent trip to Taiwan and Lansing's sister city Otsu, Japan.

REMARKS BY THE CITY COUNCIL

Councilmember Adado spoke of the Willard St. Sewer Project. He also remarked on the M.S.U. Basketball Team deserving a resolution in their honor.

Councilmember Schmidt introduced Karen Tury, new City Council secretary.

Owner of Pandora's Box, 123 So. Washington Sq. spoke regarding their recent robbery and asked for additional foot patrol stating that more police visibility is needed in the downtown area. Matter was referred to the Mayor.

Ramiro Torrez, 700 blk. Durant Street, complained of trash from a business located at 1920 W. Saginaw Street blowing over the neighborhood.

Carl Eck, 743 Armstrong Rd., spoke regarding the bus shelter he wanted to build for school students.

Emerson Ohl, Director of the Economic Development Corporation, spoke regarding taxing of Municipal Bonds.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:35 p.m.

RYA M. BAUMAN,
City Clerk.

March 24, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, March 31, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

March 31, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

PUBLIC HEARING

March 31, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Industrial Welding Inc., 2200 Olds Avenue (new facility).

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed exemption certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

March 31, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as:

Z-1-86—5510 South Logan Street to be rezoned from "A" Residential, "J" Parking and "F" Commercial Districts to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

Roger L. Davis, petitioners, spoke and offered to answer questions concerning rezoning.

Referred to the Committee on Physical Development.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Mechanical Amusement Device: Green Door Lounge; Sir Pizza; Michigan Bell Telephone; Stober's Cocktails' Maude's Parlor; 7-Eleven Store.

Public Drivers: Paul A. Wokas, Thomas G. Starin, Mark L. Allward, Edward H. Garvey, David L. DeVries, John Bunn.

Auctioneers: Albert Boulanger, Bob Howe, Gaylord Schafer.

Second Hand Dealer License: Action Discount House.

Referred to the Committee on General Services.

Notice of Hearing on April 2, 1986 in Circuit Court for motion of Substitution of Party Defendants to add Consolidated Rail Corporation and Drop Penn Central Corp. in the suit regarding City Council of the City of Lansing vs. Oldsmobile Corp., Pennsylvania Central Railroad, Grand Trunk Western Railroad, City of Lansing, State Treasurer of the State of Michigan, Ingham County Drain Commissioner, Board of Water and Light, Consumers Power and the Department of Transportation of the State of Michigan. (Suite regarding vacation of Cowles Street).

Referred to the City Attorney.

Claims for automobile damages from potholes filed by:

a. Sandra Lund, 3721 Glenwood, for damage to automobile rim and tire.

b. Leon Kingbeil, St. Johns, MI for damage to wheel ball joints.

Referred to the City Attorney.

Attorney Peter J. DeRose submits letter regarding Spagnuolo Sewer Hook-Up Fee.

Referred to the City Attorney and Mayor.

Petition filed for rezoning—Z-8-86, 2108 N. East Street described as, Lot 2, Spencer's Subdivision, City of Lansing, Ingham County, Michigan to be rezoned from "B" Residential District to "F" Commercial District filed by Richard Wilkins.

Referred to the Planning Board.

Letter of commendation from the Michigan Sheriffs' Association for the Council Staff.

Received and placed on file.

Michigan Liquor Control Commission submits:

a. Transfer location of 1985 Class C. license with Dance Permit located at 111 S. Capitol to 224 S. Washington requested by John Q's, Inc.

Referred to the City Clerk.

b. Transfer of ownership of 1985 Class C. Licensed business with Dance-Entertainment Permit, located at 3224 E. Saginaw from Howard Johnson Company to the Ground Round, Inc.

Referred to the Committee on General Services.

Citizens alliance to Uphold Special Education, 313 S. Washington Sq., requests resolution to be recognized as a nonprofit organization in the community.

Referred to the Committee on General Services.

Letters recommending Charles Blockett be appointed a member of the Convention/Exhibition Center Authority received from:

- a. Theresa Cochran
- b. Deborah D. Dolman
- c. Rudy Wilson and Charles H. Mitchner
- d. Lexie Moore
- e. Pearlle Mosley
- f. A resident of E. Lansing.

Referred to the Committee on Public Safety and Properties.

Letters received regarding the Smoking Ordinance from:

- a. Shari S. Reid, 306 E. Hillsdale
- b. B. E. BeVier, Lansing Dairy, inc.

Referred to the Committee on General Services.

Leo Sell, 5718 Picardy, submits letter regarding excessive insurance costs to have a computer club show at the Civic Center.

Referred to Mayor.

Michigan Municipal League submits notice for advance registration list for 1986 Region II meeting to be held April 22, 1986 in Monroe, MI.

Received and placed on file.

Michigan Department of Natural Resources submits permit for City of Lansing to replace existing East Michigan Ave. bridge crossing the Grand River Floodplain.

Referred to the Mayor.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 2a (Letter of appreciation for Traffic Control Sign at Kendon Dr./Wildwood); 2b (Interest Distribution on Tax Collections for other Taxing Units); 2d (Authorization for Tree Nursery on Wise Water Plant Property).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Mechanical Amusement Device: Green Door Lounge; Sir Pizza; Michigan Bell Telephone; Stober's Cocktails' Maude's Parlor; 7-Eleven Store.

Public Drivers: Paul A. Wokas, Thomas G. Starin, Mark L. Allward, Edward H. Garvey, David L. DeVries, John Bunn.

Auctioneers: Albert Boulanger, Bob Howe, Gaylord Schafer.

Second Hand Dealer License: Action Discount House.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

March 27, 1986

President Benavides and Members
of the Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public Driver License for James Dale Williams that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Williams have a Public Driver License under Section 30-5 (1) (H).

Sincerely,

RITA BAUMAN,
City Clerk.

Referred to the Committee on General Services.

DATE: 3/26/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Richard A. Knechtges

RE: Traffic Control Sign at Kendon Dr. and
Wildwood Letter of appreciation

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 3/26/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Interest Distribution on Tax Collections for
Other Taxing Units

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Human Services and
Intergovernmental Relations.

DATE: 3/26/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Building Safety Division

RE: Request for Public Hearings:

417 N. Butler
1038 N. Cedar

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

By COUNCILMAN CREAMER—

That we concur in the recommendation of the
Mayor and the public hearings for make-safe or
demolish property located at 417 N. Butler and 1038
N. Cedar St. be set for April 14, 1986.

Carried.

DATE: 3/25/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Board of Water and Light

RE: Authorization for Tree Nursery on Wise Water
Plant Property

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and
Properties.

DATE: 3/26/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

Re: Transfer of Funds

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0106

Resolved by the City Council of the City of Lansing:

That the application of George F. Smalley for a City
license to operate a limousine service is hereby ap-
proved, provided all necessary administrative actions

are completed without objection.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION + 0107

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-2-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 2423 S. Cedar; and

Whereas, Baryames Cleaners, Inc. has submitted an application for an Industrial Facilities Exemption Certificate for new equipment, a new facility and other improvements; and

Whereas, a hearing was held on Baryames Cleaners' application for an Exemption Certificate on March 17, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Baryames Cleaners, Inc. has met the requirements for Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated March 24, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Baryames Cleaners, Inc. for an Industrial Facilities Exemption Certificate for a new facility in Lansing Plant Rehabilitation District IPR-2-85, to remain in effect for twelve years.

Councilmember Blair left the meeting.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0108

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-2-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 2423 S. Cedar St.; and

Whereas, Baryames Cleaners, has submitted an application for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of existing machinery; and

Whereas a hearing was held on Baryames Cleaner's application for the Exemption Certificate on March 17, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Baryames Cleaners, Inc. has met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated March 24, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Baryames Cleaners, Inc. for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of equipment in Lansing Plant Rehabilitation District IPR-2-85, to remain in effect for twelve years.

Councilmember Blair returned to the meeting.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0109

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-4-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 620 Leshner Place; and

Whereas, Neogen Corporation has submitted an application for an Industrial Facilities Exemption Certificate for renovation of an existing facility; and

Whereas, a hearing was held on Neogen's application for an Exemption Certificate on March 17, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Neogen Corporation has met the requirements for Exemption Certificates as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated March 24, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Neogen Corporation for an Industrial Facilities Exemption Certificate for renovation of an existing facility in Lansing Plant Rehabilitation District IPR-4-85, to remain in effect for twelve years.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0110

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-4-85 in the City of Lansing, pursuant to Public Act 198 of 1984, as amended, at 620 Leshler Place; and

Whereas, Neogen Corporation has submitted an application for an Industrial Facilities Exemption Certificate for new equipment; and

Whereas, a hearing was held on Neogens' application for an Exemption Certificate on March 17, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Neogen Corporation has met the requirements for Exemption Certificates as required by Public Act 1908 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated March 24, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Neogen Corporation for an Industrial Facilities Exemption Certificate for new equipment in Lansing Plant Rehabilitation District IPR-4-85, to remain in effect for twelve years.

Adopted by the following vote:

Unanimously.

Councilmember Lindemann entered the meeting at 7:25 P.M.

RESOLUTION APPROVING THIRD AMENDED PROJECT PLAN AND ISSUANCE OF BONDS (Capitol Commons Office Project)

RESOLUTION #0111

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on March 31, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council has given notice pursuant to Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2, of a public hearing which was held earlier on March 24,

1986 relative to (i) the Third Amended Project Plan for the Capitol Commons Office Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer") and (ii) the issuance of limited obligation revenue and refunding bonds by the Issuer to provide additional assistance in the financing of the Project.

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Third Amended Project Plan, and the issuance of bonds, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

Whereas, this City Council desires to express its approval of said Third Amended Project Plan and the Project described therein and the issuance of limited obligation revenue and refunding bonds by the Issuer to assist in the financing of the Project, and wishes to request the Issuer to proceed with the Project and the financing thereof.

Now, Therefore, be it Resolved by the City Council of the City of Lansing, as follows:

1. It is hereby determined that the Third Amended Project Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Third Amended Project Plan is hereby approved in its entirety based on the following considerations:

a) The Third Amended Project Plan meets the requirements set forth in Section 8 of the Act

b) The persons who will be active in the management of the Project for not less than one year after the approval of the Third Amended Project Plan have sufficient ability and experience to manage the Plan properly.

c) The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.

d) The Project is reasonable and necessary to carry out the purposes of the Act.

2. By adoption of this resolution approving the Third Amended Project Plan this City Council intends to and hereby does approve the issuance, sale and delivery of not to exceed \$975,000 in aggregate principal amount of limited obligation economic development revenue and refunding bonds described in the Third Amended Project Plan as is required by the Tax Equity and Fiscal Responsibility Act of 1986 and Temporary Treasury Regulations Section 5f.103-2.

3. The Issuer is hereby requested to proceed with the Project and the financing thereof.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide three (3) certified copies to the Secretary of the Issuer.

Much discussion was held.

Yeas—Councilman Adado, Belen, Benavides, Lindemann, Schmidt—5.

Nays—Councilman Blair, Creamer, and Worthington—3.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 31st day of March, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

—
RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0112

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

- 1) \$120.00 from Gen. Fund Estimated Revenues
A/C 101-000-000-160
120.00 to Fire Dept. Citizen's Donations
A/C 101-337-000-956
(Citizen donations from: Neva Nelson to Lansing Fire Dept., & Meijer, Inc., for Fire Prevention Community Programs)
- 2) \$1,907.00 from Gen. Adm. Reserve for Contingency
A/C 101-941-000-963
1,970.00 to Dt. Court Probation-Temp. Help
A/C 101-151-000-707
(Resignation of Probation Officer: extended need for Temp. help to handle workload until a replacement can be hired.)
- 3) \$11,200.50 from Fund Bal. G.M. Park Trust Fund
A/C 713-000-000-390
11,200.50 to Baptist House Renovation
A/C 713-170-000-930
(City match of funds for improvements of Cooley-Haze House, per Council resolution of 11-3-80)

The Balance in the Reserve for Contingency Fund after this transfer is \$261,376.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

APPROVED:

JAMES BLAIR
SIDNEY WORTHINGTON
Ways and Means Committee

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-2-86—5647 Hughes Road to be rezoned from "A" Residential District to "F" Commercial District was introduced by Councilmember Creamer, read a first and second time by its title and referred to the Committee on Physical Development.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0113

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, April 21, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the rezoning petition Z-2-86, 5647 Hughes Road to be rezoned from "A" Residential District to "F" Commercial District.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBERS CREAMER, BLAIR AND ADADO—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Patrick M. Murray, 216 Moores River Drive, concerning problem of parking on 200 blk. Moores River Drive and street being newly impassable on Sunday mornings.

Referred to the Committee on Public Safety and Properties.

Letter from Michigan Peace Child Project requesting use of City's mobile platform stage, bleachers, cooperation in handling traffic and hanging of large banner at Capitol/Michigan intersection for their festival May 2 and 3, 1986 on Capitol grounds.

Referred to the Mayor.

Letter from Larry Lopez, Chairperson of Mayor's Hispanic Advisory Board, requesting representation of a hispanic for the Convention/Exhibition Hall Authority Board.

Referred to the Mayor.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0114

Resolved by the City Council of the City of Lansing:

Whereas, Carl Joseph Gravina is celebrating 40 years of service to the Lansing community as one of the best-known barbers in mid-Michigan; and

Whereas, Carl earned his barber license in 1946, began working that same year in Fowler's Barber Shop at 914 West Saginaw Street, and purchased the business in 1955, changing the name to Gravina's Barber Shop; and

Whereas, Carl's business has long been a gathering place for neighborhood residents and community leaders, including past and present elected officials; and

Whereas, Carl enjoys a well-earned reputation as a respected leader in the westside business community, and is a longtime parishioner of Holy Cross Church;

Now, Therefore, Be It Resolved the Lansing City Council hereby salutes Carl J. Gravina for his 40 years as a professional barber in Lansing.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Announced the Spring Leaf Pick-up from April 14th to May 16th.

Street sweeping has begun in the city.

Weight limits lifted by March 31, 1986.

Meeting was slated to try to resolve the insurance problems of holding events at the Civic Center and Riverfront Park.

REMARKS BY THE CITY COUNCIL

Councilmember Belen remarked about contributions needed for Food Bank.

By COUNCILMEMBER BLAIR—

That we instruct the administration to start the leaf pick-up April 1 thru May 9.

By COUNCILMEMBER ADADO—

I move to amend this from April 1, 1986 to May 16, 1986.

Carried.

Councilmember Adado remarked on the MSU Hockey Championship.

Councilmember Creamer introduced his new aide, Chris Nicholoff.

Also spoke regarding the need for review of insurance for the Civic Center and Riverfront Park.

Councilmember Adado remarked about events going elsewhere because of problems in obtaining insurance and premiums being too costly.

Councilmember Schmidt remarked about the newspaper section "Horizons" in Sunday Paper having much information concerning things of interest in Lansing Area.

Councilmember Adado asked if churches had been contacted in the CTA Restaging areas under consideration.

Leo Wesley, 3304 Creston, spoke regarding the condition of Creston St.

Carol Matteson, 1924 E. Willard spoke regarding the condition of their property and nothing being done in the area.

Lloyd R. Teets, 116 E. Elm Stret, asked "What is Price of Freedom" to Councilmembers.

Esther Torrez, 2932 Creston, complained of the condition of Creston St. and the Rudeness encountered in calling Public Service Dept. to ask questions.

Bill Beliew, 3238 Creston, spoke regarding their street and said that Consumers Power tore up the street and did not repair to original status.

Lee Hendrickson, 610 Kendon, Civic Center Advisory Board Member, spoke regarding disposition of Civic Center.

Tim Hammond, 910 W. Lapeer spoke regarding increase in CATA fares and the new CATA staging area.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:50 P.M.

RITA M. BAUMAN,
City Clerk.

March 31, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, April 7, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

April 7, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of March 3, 1986 be approved and Carried.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing that the rules be waived for the purpose of presenting Bob Hull and the Stormarnschule Ahrensburg Youth Choir from Ahrensburg, West Germany, who are visiting the City of Lansing from April 6-9, 1986.

The Choir sang songs for the entertainment of the listening audience and the City Council.

Mayor McKane and Council President Benavides exchanged gifts with the Choir Director and introduced the Medical Director, Conductor and two Counselors who accompanied the Choir on their trip.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0115

Resolved by the City Council of the City of Lansing:

Whereas, Stormarnschule Ahrensburg Youth Choir from Ahrensburg, West Germany visited the City of Lansing April 6-9, 1986; and

Whereas, Stormarnschule Ahrensburg Youth Choir, under the able direction of Michael Klaue, demonstrated outstanding musical abilities and a highly commendable commitment to the goals of international friendship and understanding through the international language of music;

Now, Therefore, Be It Resolved: That the City of Lansing declares Tuesday, April 8, 1986 as Stormarnschule Ahrensburg Youth Choir Day in Lansing and congratulates the Director, Michael Klaue and the Choir for the exemplary manner in which they have achieved musical excellence, international friendship and goodwill; and

Be It Further Resolved: that a copy of this resolution be presented to Stormarnschule Ahrensburg Youth Choir, as evidence of the high regard in which they are held by the citizens of the City of Lansing.

Adopted by the following vote:

Unanimously.

PUBLIC HEARING

April 7, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance providing for the repeal of Chapter 30 containing sections numbered Section 30-1 through 30-16 of the Code and declaring the same to be null and void and of no effect.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed ordinance repeal they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

April 7, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance providing for the repeal of Chapter 33 containing sections numbered Section 33-1 through 33-43 of the Code and declaring the same to be null and void and of no effect.

The Council President will announce that if there is anyone present who has any suggestions or objections

to make to the proposed ordinance repeal they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

April 7, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing that a new Chapter 33 containing sections numbered section 33-1 through 33-28 be added to the Code for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses and wreckers.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed ordinance addition they will have the privilege of speaking at this time.

Robert Shroyer of Shroyer Wrecking, spoke and asked questions concerning the Vehicles for Hire—Wreckers portion of new proposed Ordinance.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Christine Ryal, spoke on Resolution 1d—(No Smoking Resolution)

Steve Young, Michigan State Chamber of Commerce, spoke on Resolution 1d.

Helen LeBlanc, 2021 Cumberland Rd. spoke on Resolution 1d.

Robert Hollis, 2724 LaSalle Ave., spoke on Resolution 1d.

Rev. J. E. Graves, 1500 W. Michigan Ave., spoke regarding Communication No. 8 (supporting Charles Blockett for Convention/Exhibition Authority).

Rob Forgraves, 2622 Bedford, spoke regarding Resolution 1d.

Robert Merrill, 1805 Herbert St., spoke regarding Resolution 1c (Orange Bag Refuse Program).

Tom Franke, 3023 Boston Blvd., spoke regarding Resolution 1d.

Lloyd Teets, 116 E. Elm St., spoke regarding Resolution 1d.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers: Charles A. Mitchell, Paul E. Cassel, Elliott H. Myers, Silvio J. Parochelli, Ernest R. Langdon, Steven G. Larkings, Javier Cavazos, George T. Yeager, Steven K. Buerger, Robert R. Brown, James M. Horn, Gerald C. Spooner, William

L. Alexander, Robert J. Spurveck, Linda A. Davis, Robert L. Troub, William A. Hale, Johyn C. Trayler.

Second Hand Dealer: Elderly Instruments, Inc., Kelley's.

Peddler License: Terry Erickson, Carol S. Suffety.

Sign Erector: Mid-Michigan Stamp and Signs, Wolverine Development Corp.

Building Wrecker and Mover: G.B. Wrecking.

Referred to the Committee on General Services.

Suit filed in 54-A District Court by Earl Schneider and Todd Schneider v City of Lansing for damages to automobile incurred on Fairview Avenue.

Referred to the City Attorney.

Claims filed by:

a. Georgia L. Brown, 1341 Emerson Street, for reimbursement for injuries received in a fall at the City Center.

b. Robert Heinig, Sr., 3130 Delta River Drive, for damages to mail box by a city snow plow.

c. Keith D. Dick, 1004 Norwood, for damages to motorcycle from hitting an unbarricaded construction hole on W. Hillsdale St.

Referred to the City Attorney.

Petition filed for rezoning—Z-9-86—925 E. Oakland, Northwest corner of Oakland and Pennsylvania to be rezoned from "E-2" Local Shop District to "F" Commercial District filed by James Patrick.

Referred to the Mayor and Planning Board.

Letter and petitions from John Burton, 913 N. Capitol Avenue, protesting dogs in Durant Park area.

Referred to the Mayor.

Invitation from Milton L. Alston, Ingham Co. 4-H Youth Agent, to attend the 4-H Open House at Meridian Mall on April 10, 1986.

Received and placed on file.

Doris N. Mann submits letter of complaint regarding use of taxpayers money.

Received and placed on file.

Letter supporting Charles Blockett as a member of the Greater Lansing Convention and Exhibition Authority received from:

- a. Ernestine McMullen
- b. B. Joan Webkamigad
- c. Charles S. Scarborough, Phi Beta Sigma Fraternity, Inc.
- d. Atty. Hugh B. Clarke, Jr.
- e. Delois Whitaker

f. David A. Maxsam, Lansing Association of Black Social Workers.

Referred to the Committee on Public Safety and Properties.

Letters regarding the Smoking Ordinance received from:

a. Richard K. Studley, Michigan State Chamber of Commerce

b. Mrs. Donald W. Claussen

Referred to the Committee on General Services.

Michigan Public Service Commission submits notice of hearing in the matter of the application of Consumers Power Co. for authority to issue First Mortgage Bonds.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Communication #8 (Letters supporting Charles Ellockett as a member of the Greater Lansing Convention and Exhibition Authority; Mayor's letters 6a (Tax contribution—Gov. James Blanchard); 6d) Withdrawal of Reo Motor Car Co. Plant from the National Register of Historic Places); 6h (Proposal to Sell Bonds for Street Improvements thru Public Act 175 (Act 51 Major Street Fund); 6L (Financial Impact Statement (F.I.S.)—Approach to Capitol) 6m (Presentation of Recertification Award to Purchasing Director, Vaughan McKinch) 6n (Transfer of funds); and Resolution 1d (Establishing City Policies on Smoking, holding Smoking Regulatory ordinance in Committee for one year and requesting voluntary compliance by employers and managers of public places.)

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Public Drivers: Charles A. Mitchell, Paul E. Cassel, Elliott H. Myers, Silvio J. Parochelli, Ernest R. Langdon, Steven G. Larkings, Javier Cavazos, George T. Yeager, Steven K. Buerger, Robert R. Brown, James M. Horn, Gerald C. Spooner, William L. Alexander, Robert J. Spurveck, Linda A. Davis, Robert L. Troub, William A. Hale, John C. Traylor.

Second Hand Dealer: Elderly Instruments, Inc., Kelley's.

Peddler License: Terry Erickson, Carol S. Suffety.

Sign Erector: Mid-Michigan Stamp and Signs, Wolverine Development Corp.

Building Wrecker and Mover: G.B. Wrecking.

Signed:

SIDNEY WORTHINGTON
PAT LINDEMANN
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the letter from Patrick M. Murray regarding a traffic and parking problem on Moores River Drive in the area of South Baptist Church on Sundays reports as follows:

The Committee hereby refers Mr. Murray's letter to the Mayor and Traffic Board for investigation and a report back with recommendations.

Signed:

JAMES BLAIR
LOUIS ADADO
TONY BENAVIDES
Committee on Public Safety & Properties

By COUNCILMAN BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

City Attorney's letters 1B—claim of John H. Williams and 1h—claim of Beatrice E. Hendy were referred back to the City Attorney for further investigation.

April 1, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of James R. Bradshaw in the amount of \$122.83

Dear President Benavides and
Members of Lansing City Council:

On February 24, 1986, City Council received a claim for vehicle damage in the amount of \$122.83 from James R. Bradshaw, 1111 Kimberly Drive. Claimant states he was driving southbound on Pennsylvania Avenue, just south of Cavanaugh Road, on February 20, 1986 when his automobile hit a large, submerged pot hole. His right front tire and wheel were damaged. The lower of two tire replacement estimates was \$39.98, and the lower of two estimates for a new wheel rim and labor was \$63.09, for a total claim of \$102.07. Claimant's insurance policy has a deductible of \$100.00 for all claims which is the City's maximum liability in this case.

Investigation by the Public Service Department, indicates the pot hole in question was first reported on February 20, 1986, and was repaired approximately 3:30 p.m. the same day.

Michigan law excuses a municipality from liability for damages caused by defective highways unless it had or should have had knowledge of the defect *and* had a reasonable time to repair it. MCLA 691.1403.

Based upon the above, it does not appear that the City was aware of the pot hole at the time claimant's vehicle was damaged. Such pavement deterioration occurs very quickly during spring freeze-thaw cycles and the Public Service Department repaired the defect on the day it became aware of it. Therefore, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 1, 1986

Council President Benavides and
Members of Lansing City Council

Re: Claim of Mary Dassance Hazelton in the amount of \$104.42

Dear President Benavides and
Members of Lansing City Council:

On March 3, 1986, City Council received a claim for vehicle damage in the amount of \$104.42 from Mary Dassance Hazelton, 397 Sterling Drive, Dimondale. Claimant states her daughter was driving to Lansing Community College at about 7:40 a.m. on February 18, 1986 when her 1978 Chevrolet hit a pot hole on Saginaw Street, just west of Pine Street. Claimant explained further that the vehicle had to be towed (\$40.00) and a one-year old steel belted radial tire replaced (\$64.42) as a result of the mishap. This office confirmed the reasonableness of those charges, and also determined claimant's insurance policy has a deductible of \$100.00, which is the maximum liability of the City in this matter.

Investigation by the Public Service Department indicates that two pot holes in that area were reported on February 18, at 7:42 and 9:01 a.m. Both were filled immediately following the reports.

Michigan law excludes a municipality from liability for damages caused by defective highways unless it has or should have had knowledge of the defect *and* had a reasonable time to repair it. MCLA 691.1403.

Based upon the above, it is apparent that the City was not aware of the pot hole at the time claimant's vehicle was damaged. Such pavement deterioration occurs very quickly during spring freeze-thaw cycles, and the Public Service Department repaired both defects within moments of being advised of their locations. Therefore, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 1, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Mickie Cannon in the amount of \$212.94

Dear President Benavides and
Members of Lansing City Council:

On March 3, 1986, City Council received a claim for vehicle damage in the amount of \$212.94 from Mickie Cannon, 3404 North Waverly Road. Claimant states she was driving on Clippert Street near Frandor on February 21, 1986 when her 1977 Thunderbird hit a pothole. Her right front tire was irreparably damaged. Claimant submitted a damage estimate which included unrelated work as well, but her actual cost was \$39.51 for a replacement tire and \$6.50 to balance it, for a total of \$46.01. A second estimate obtained was slightly higher. Claimant's insurance deductible limit was confirmed at \$250.00. Claimant's maximum claim therefore, is \$46.01.

Investigation by the Public Service Department indicates two different pot holes were reported in the vicinity described by claimant. The first was both reported and filled at about 7:48 p.m. on February 21. The second was reported and filled at about 10:00 a.m. on February 24.

Michigan law excuses a municipality from liability for damages caused by defective highways unless it had or should have had knowledge of the defect *and* had a reasonable time to repair it. MCLA 691.1403.

Based upon the above, it appears that the City was not aware of the pothole at the time claimant's vehicle was damaged. Such pavement deterioration occurs very quickly during spring freeze-thaw cycles, and the Public Service Department repaired the defects immediately upon being advised of their locations. Therefore, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this Claim be denied.

Carried.

April 1, 1986

President Benavides and Members
of the Lansing City Council

Re: Claim of Hazen Briles in the amount of \$428.09

Dear President Benavides and
Members of City Council:

On February 5, 1986 Hazen Briles, 1301 Lansing Road, Lansing, filed a claim in the amount of \$428.09 for damage to his vehicle allegedly due to hitting a pothole on Pennsylvania Avenue near Potter Park Bridge on Sunday, February 2, 1986.

The claim was investigated by the Public Service Department which indicated to this office that a complaint of a pothole on Pennsylvania Avenue at the bridge was reported directly to that City department on February 2, 1986. The Department stated that it had no knowledge of the pothole prior to this complaint. It also indicated that due to the freeze thaw cycles in the pre-spring season, the pavement break up occurs very rapidly. The Department also stated that such potholes are repaired as soon as they are reported.

MCLA 691.1043 reads as follows:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency *knew*, or in the exercise of reasonable diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place." (emphasis added)

The facts show that the City was not aware of the pothole prior to this complaint. Accordingly, it is recommended that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 1, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Mary E. Guidry in the amount of
\$30

Dear President Benavides and
Members of City Council:

On February 5, 1986, Mary E. Guidry submitted a claim in the amount of \$30 which represents the cost to her of an involuntary tow of her vehicle. Her automobile was abandoned for approximately one-half hour on Saginaw Street near Marshall Street on February 4, 1986 at 4:15 p.m. and it was towed at the owner's expense because it presented a hazard to traffic.

In addition to the expense of the tow, Ms. Guidry also complained about receiving a \$20.00 "parking ticket" in the matter.

On March 7, 1986, Ms. Guidry advised this office in a telephone conversation that she acknowledge responsibility for leaving the automobile in the street but stated that her car had stalled unexpectedly, she

was unable to get it started again, and she returned with help within an hour. Upon her return she found the car had been towed.

Ms. Guidry was responsible for leaving her automobile in the street at a busy time of day on February 4, 1986. The City properly had the vehicle towed pursuant to law; the City may require a vehicle to be towed when it is a hazard, City Ordinance, 31-175(a)(3), state law MCLA 257.252(1)(b).

Based on facts and the law regarding this matter, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 1, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Terry Robison in the amount of \$71.43

Dear President Benavides and
Members of City Council:

On February 5, 1986 Terry Robison submitted a claim for pothole damage to his car tire in the amount of \$71.43. Claimant states that he struck, a pothole on South Pennsylvania at approximately 6:15 p.m. on February 2, 1986. Claimant states that he notified the Public Service Department at approximately 7:15 p.m. Claimant was informed by the Public Service Department that information had already been received of the pothole.

Public Service Department reports that the pothole was reported at 7:10 p.m. on February 2, 1986. The Department had no knowledge of the pothole prior to receiving that notice. The pothole was repaired within thirty minutes of the time that it was reported to the Public Service Department.

Michigan law states that a municipality is not liable for damages caused by a defective highway unless the municipality had knowledge of the defect and had a reasonable time to repair the defect. MCLA 691.1403.

Based upon the above, it appears that the City had no advance notice of the pothole involved. Therefore, it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 1, 1986

President Benavides and Members
of the Lansing City Council

Re: Claim of Stephen J. Jex in the amount of \$60.00

Dear President Benavides and
Members of City Council:

City Council received a claim from Officer Stephen Jex in the amount of \$60.00 for damage to a nylon jacket. On January 28, 1986, claimant was on duty participating in an LPD training session in the LPD classroom. He states he sat in a chair against the wall watching a training film, which he later learned was pressing against an outlet and electrical cord for the wall clock. The arrangement caused a small electrical explosion, which in turn burned a hole in the left shoulder of his jacket. It does not appear that the claimant was personally negligent in causing the explosion. The claimant says the jacket is unrepairable and that its value at the time of the incident was \$40.00.

When a municipal officer incurs a loss in the discharge of his official duty in a matter in which the corporation has an interest, and in the discharge of a duty imposed or authorized by law, and in good faith, it is the general rule that the municipal corporation has the power to appropriate funds to reimburse him, unless expressly forbidden. The test in these cases is whether the act of the officer was directly related to matter in which the City had an interest, or whether it affected municipal rights or property, or whether it affected a right or property of citizens which the officer was charged with a duty to protect or defend. 3 McQuillin, *Municipal Corporations* (3d ed), §12, 13f, p 518. In Michigan there is neither a legal prohibition against such reimbursement nor a legal obligation to do so. Recent court decisions indicate a Michigan municipality may reimburse its employee for expenses incurred in fulfilling their bona fide duties as public employees, but it is under no legal obligation to do so. *Horton v Kalamazoo*, 781 Mich App 78 (1978).

Based on the facts presented, there appears to be no question that the claimant's loss resulted from the performance of his duties as a police officer, and not as a result of his own negligence. However, the maximum value to be considered should be the value of the jacket at the time of the accident, \$40.00.

If City Council desires, it has the authority to pay Officer Jex's claim in the amount of \$40.00. Nevertheless, it is this office's duty to advise you that the City is under no legal obligation to pay this claim.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we do not concur in the recommendation of the City Attorney and this claim be paid in the amount of \$40.00 payable to Stephen J. Jex.

Carried.

April 1, 1986

President Benavides and Members
of the Lansing City Council

Re: Claim of Jeffrey R. Aveiro in the amount of
\$79.44

Dear President Benavides and
Members of City Council:

On March 3, 1986 Jeffrey R. Aveiro submitted a claim in the amount of \$79.44 for ambulance service. Claimant states that his aunt was injured in January 7, 1986 after a fall down her basement steps. Lansing Fire Department ambulance service was called and Lansing Merch Ambulance Service was notified because all the Lansing Fire Department ambulances were out on other calls.

Fire Chief Mark Holliday reports an ambulance alarm was received from the claimant on January 7, 1986 at approximately 2:43 p.m. The caller was advised that all of the ambulances were out on call and that Lansing Mercy Ambulance would be sent out. The report indicates that had a Lansing Fire Department unit been available it would have been sent out on the call. Fire Chief Holliday recommends payment of this claim.

The Lansing City Charter provides that the Fire department maintain and operate ambulance service for the welfare of the City inhabitants. Chapter 4, Section 303.5, Lansing City Charter, 1978.

Based upon the recommendation of Fire Chief Mark Holliday and the above cited Lansing City Charter provision, this office recommends payment of this claim.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$79.44 payable to Jeffrey R. Aveiro.

Carried.

April 1, 1986

President Benavides and Members
of the Lansing City Council

Re: Claim of Gregory R. DeRose in the amount of
\$168.00

Dear President Benavides and Members
of the Lansing City Council:

On February 18, 1986, Gregory R. DeRose submitted a claim requesting the removal of a \$168.00 special assessment placed against his property at 209 South Hosmer, Lansing, in July, 1985. The assessment was placed against the property as a tax lien because it allegedly represented the cost to the City to remove rubbish on said property.

The claim of Mr. DeRose has been investigated by the Chief Code Compliance Officer who reports that the City did in fact fail to remove the rubbish, and that the special assessment was inadvertently made. A copy of that report is attached.

Based on the mistake in assessing the property, it is the recommendation of this office, that this claim be

approved and that the tax and any interest or penalty incident thereto be removed from the tax rolls by the appropriate resolution.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the special assessment in the amount of \$168.00 be removed from the property at 209 S. Hosmer owned by Gregory R. DeRose.

Carried.

April 1, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Richard Deadman in the amount of
\$64.50

Dear President Benavides and
Members of Lansing City Council:

On February 17, 1986, City Council received a claim for vehicle damage in the amount of \$64.50 from Richard Deadman, 422 Rosadell. Claimant states he was driving his 1979 Granada on Rosadell Street at Washington Street on January 17, 1986 when the street surface collapsed under the car's weight, and the rear tire fell through to the pavement base below. Claimant had to have his vehicle towed out of the hole (\$30.00) and have the vehicle inspected (\$4.50) and its front end aligned (\$30.00 or \$27.95), for a total lowest cost damages of \$62.45. Claimant's applicable insurance deductible level is \$100.00. The City's maximum liability, therefore, is \$62.45.

Investigation by the Public Service Department indicates the Lansing Police Department reported the road damage at about 8:40 p.m. on January 17. The City barricaded the area immediately thereafter, and then determined that a broken Board of Water and Light (BWL) water main was the source of the problem. BWL was contacted by the City at 9:22 p.m., and the repair to the water main was performed that same night.

As the damage was incurred as a result of the broken water main, this office has referred the claim and supporting materials to BWL for its action. No further action by the Council is required at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

April 1, 1986

President Benavides and Members
of the Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public Driver License for David Hector that was returned unsigned from the Lansing Police Department. They do

not recommend that Mr. Hector have a Public Driver License under Section 30-5 (1) (H).

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on General Services.

April 3, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfer that have been placed on file in the City Clerk's office by the Budget Director. (No. 31 and 32).

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on Ways and Means.

DATE: 4/2/86

TO: City Council President Benavides and
Councilmembers

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Applications

Attached are parade permit applications, as listed, below, which have been approved by all the necessary departments.

Michigan Senior Power Day, Inc., scheduled for 1:30 PM on Tuesday, May 13, 1986.

Run for Liberty II, scheduled for 9:00 AM on Saturday, June 28, 1986.

Lansing Parks and Recreation Capitol City 5K and 10K runs, scheduled for 9:00 AM on Saturday, July 12, 1986.

These three applications are being sent to you for final action.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Police Chief and these parade permits be approved having received the signatures of all the required departments.

Carried.

March 27, 1986

President Tony Benavides and
Members of Lansing City Council

RE: Sale of Surplus Property

Dear Council President Benavides
and Council Members

At a duly noticed regular meeting of the Board of Water and Light of the City of Lansing, held February

25, 1986, at which a quorum was present, the following action was duly adopted and filed with the City Clerk's Office:

That the Board of Water and Light (BWL) declare the following described property as surplus and no longer used or useful for the operations of the BWL's utilities:

Lot 9 Rockford Subdivision, a part of the N ½ of the NW ¼ of Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan.

The property was utilized for many years as an interconnection with Consumers Power Company (CPC) but was abandoned in June 1982 as a substation.

CPC and the BWL own adjoining lots, each approximately forth feet wide and both undesirable for building purposes individually.

An offer has been made for both lots and CPC is willing to sell if the BWL is also agreeable.

Further that the sale of the property be finalized by the Board attorney in accordance with the City Charter.

This recommendation is being submitted to you for Council concurrence.

Respectfully submitted,

MARY E. SOVA, Secretary
Board of Water and Light

Referred to the Committee on Public Safety and Properties.

April 3, 1986

Councilman James Blair
Chairman, Public Properties and Safety
Sub-Committee

Dear Councilman Blair:

Please find attached Lansing Housing Commission Resolution #599 that was passed at the Special Meeting of the Commission on April 2, 1986, as an expression of the Commission's position of opposition to the alternatives of B, C and F which would locate the CATA Bus Staging location on Shiawassee and Capitol and City Parking Lot #3.

The opposition as related to F is not only addressed from a perspective of the temporary location of the bus staging location, but also regarding consideration of the City Parking Lot #2 as a permanent site for a bus staging area or a bus depot for CATA.

Attached are letters of support for the Lansing Housing Commission and its senior citizen community of Oliver Tower's position from area churches and other concerned institutions and their representatives. We urge you to do everything possible to eliminate the consideration of these alternatives.

Should you have any questions as to the Resolution, or the attachments, please do not hesitate to contact me in regard to them.

Sincerely,

WALTER NORRIS, JR.
Executive Director, Lansing Housing
Commission

Referred to the Committee on Public Safety and Properties.

DATE: 4/3/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Gov. James J. Blanchard

RE: Tax contribution—Gov. Blanchard

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 4/3/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Lansing Housing Commission Director

Re: Letter of appreciation to Lansing Fire Department and Fireman Gary Burnett

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 3/26/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from R. J. Walker

Re: Letter of appreciation to LPD for Self-Protection
Seminar

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 4/3/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Emergency Services Director

Re: Security Training for City Hall Complex Employees

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from U.S. Dept. of Interior

RE: Withdrawal of Reo Motor Car Co. Plant from National Register of Historic Places

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-3-86, Outlot "A" Champion Way Request for removal of Outlot Status

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-8-86, North Lansing Railroad Museum Placement of Gate Tower on City Land

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-40-85, Vacation of a Portion of Garfield St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/2/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: Proposal to Sell Bonds for Street Improvements thru Public Act 175 (Act 51 Major Street Fund)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development and the Committee on Ways and Means.

DATE: 3/31/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning and Municipal Devel. Dept.

RE: Z-1-86, 5510 S. Logan St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 4/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: Z-2-86, 5746 Hughes Rd.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 4/1/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Building Division

RE: Demolition Approval—612 River St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on General Services.

DATE: 4/1/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Building Safety Division

Re: Trash Assessment for July 1986 Tax Roll (\$3,631.00)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the trash assessment in the amount of \$3,631.00 be placed on the July 1986 Tax Roll.

Carried.

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Budget Director

RE: Financial Impact Statement (F.I.S.)—Approach to Capitol

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee of the Whole.

DATE: 4/3/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

RESOLUTION #0116

By COMMITTEE ON GENERAL SERVICES—

Resolved by the City Council of the City of Lansing:

Whereas, James Dale Williams has made application for license as a public driver; and

Whereas, the Office of the Chief of Police has reviewed the application and recommended disapproval in accordance with the provisions of Section 30-5 (1) (h) of the City Code; and

Whereas, the Committee on General Services has examined the report from the Assistant Chief of Police and concurs with the recommendation to disapprove the application;

Now, Therefore, Be It Resolved the Lansing City Council hereby disapproves the application of James Dale Williams for license as a public driver; and

Be It Further Resolved upon adoption of this resolution the City Attorney shall notify the applicant of said disapproval and advise him of his right to a hearing under the provisions of Section 30-5 of the City Code.

Councilmember Creamer left the meeting.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0117

Resolved by the City Council of the City of Lansing:

That the Citizens Alliance to Uphold Special Education (CAUSE), located at 313 South Washington Avenue is hereby recognized as a nonprofit service organization in Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0118

Resolved by the City Council of the City of Lansing:

Whereas, under the provisions of Chapter 16A of the Code of Ordinances, the City of Lansing operates a residential refuse and bulk item collection service, known locally as the "orange bag program"; and

Whereas, after extensive evaluation by Internal Audit and the Public Service Department, the Mayor has reviewed the current and projected financial situation of the orange bag program and offered a package of recommendations for immediate consideration by the City Council; and

Whereas, the Committee on General Services has examined the Mayor's recommendations and formulated a different course of action believed to be the first steps toward a better long-term solution to the problem of cost containment;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the following recommendations from the Committee on General Services:

1. Consumer cost of orange refuse bags shall be raised to 55 cents apiece as of the next City purchase of bags from the supplier.
2. The Administration is strongly encouraged to enter into a professional service contract that would provide marketing advice and a campaign to expand the customer base of the orange bag program.
3. A goal of 10 percent growth in orange bag sales for FY'87 over FY'86 is hereby established.
4. Christmas tree pick-up and free spring and fall leaf bag pick-up shall be retained as services of the orange bag program.
5. Program status reports are requested to be prepared by the Public Service Department and Internal Audit for presentation to the Committee on General Services in March 1987.

And Be It Further Resolved the Mayor's recommendation to end the bulk pick-up service will continue to be studied in committee, but the service shall continue until Council acts on said recommendation.

Councilmember Blair asked to be excused from the meeting—(not feeling well).

Councilmember Creamer returned.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0119

Resolved by the City Council of the City of Lansing:

That the request from the Ground Round, Inc., for permission to transfer ownership of a 1985 Class C licensed business with Dance-Entertainment Permit, located at 3224 East Saginaw Street, Lansing, from the Howard Johnson Company, is hereby approved.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0120

ACT-9-85

Parcel D. Delhi Township

Whereas Tom DeAngelo has petitioned the City of Lansing to lease three acres in the northwest corner of vacant City owned land on the east side of Pine Tree Road known as Parcel "D" in Delhi Township and described as:

That part of the south 1600 feet of the northwest ¼ except the west 225 feet of the north 1500 feet thereof, and that part of the east ½ of the southwest ¼ Section 1, T3N R2W, Delhi Township, Ingham County, Michigan, all lying westerly of the west ROW line highway US-127, described as:

Beginning on the north line Section 1, 554.91 feet east of the northwest corner said Section 1, T3N, R2W; thence S 27° 16' 45" E 1498.14 feet; thence S 24° 01' 45" E 349.88 feet; thence S 19° 23' 04" E 172.63 feet; thence S 10° 05' 41" E 172.63 feet; thence S 00° 48' 18" E 172.63 feet; thence S 08° 29' 05" W 172.63 feet; thence S 17° 46' 28" W 172.63 feet; thence S 22° 25' 09" W 578.97 feet to point of ending; and

Whereas the proposed leased portion of Parcel "D" is specifically described as:

That part of the above described Parcel "D" beginning at the most northwesterly corner said Parcel; thence east 416 feet; thence south 208 feet; thence west 208 feet; thence south 208 feet; thence west 208 feet to the west property line, Parcel "D"; thence north 416 feet to beginning; and

Whereas the Planning Board has recommended approval of such a lease subject to the conditions of the Parks Board as listed below:

1. Lessee required to secure all necessary approvals, licenses and permit from regulating agencies.
2. All improvements, including utilities, to the site will be made at lessee's expense. The site must be kept free of unsafe and hazardous conditions.
3. The site must be restored to original condition in-

cluding grading and seeding upon termination of lease. All improvements are to be removed within 90 days to include above and below ground upon termination.

4. The lessee must secure for their own use access to the property from Pine Tree Road across property currently owned by Michigan State University. Liability insurance in an amount specified by the City Attorney and with the City listed as co-insured is to be carried by the lessee.

5. Plans must be submitted for approval by the Planning Division and Parks Department prior to construction, alteration or improvement on the property.

6. The lessee agrees to pay an amount to be based on the fair market rental value of the property including a compensating amount to cover property taxes. This rental fee is to be placed in a separate Parks Department account. The City shall notify the lessee at least sixty (60) days prior to expiration of the lease in regard to its intent not to renew the lease beyond its expiration date or for other public requirements; and

Whereas the Committee on Public Safety and Properties has reviewed the report of the Planning Board and recommends approval subject to the above conditions plus another condition that the lessee provide the City with a performance bond of suitable amount to guarantee that all lease conditions will be fulfilled;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the lease of approximately three acres in the northwest corner of Parcel "D" in Delhi Township to Tom DeAngelo, subject to each of the conditions outlined above as recommended by the Planning Board and the Committee on Public Safety and Properties; and

Be It Further Resolved the Mayor and City Clerk are authorized to prepare, execute and record the necessary documents to provide the lease under the specified conditions.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0121

Resolved by the City Council of the City of Lansing:

ACT-34-85
Southfield Subdivision

Whereas the Public Service Department requested vacation of the street ends in the Southfield Subdivision in South Lansing; and

Whereas the Planning Division staff conducted an Act 285 review and found that two street ends, namely; Southfield west of Yunker and Victoria Street west of Yunker, do not serve a public purpose; and

Whereas the Lansing Planning Board, at their meeting of February 18, 1986, reviewed the Act 285 report and concurred with the findings and recommended vacation of portions of the Southfield Street and Victoria Street rights-of-way west of Yunker Street; and

Whereas, the Public Safety and Properties Committee of City Council has reviewed and concurs in the recommendations;

Now Therefore Be It Resolved that the Lansing City Council hereby vacates portions of Southfield and Victoria Streets rights-of-way legally described as:

That portion of Southfield Avenue beginning at the southeast corner of Lot 23; thence 135 feet west to the southwest corner of Lot 23; thence south 50 feet to the northwest corner of Lot 24; thence east 140 feet to the northeast corner of Lot 24; thence northwesterly 50.25 feet +/- to the point of beginning, in Southfield Subdivision, Section 8, T3N, R2W, Delhi Township, City of Lansing.

That portion of Victoria Drive beginning at the southeast corner of Lot 34; thence west 140 feet to the southwest corner of Lot 34, south 45 feet to the northwest corner of Lot 35, east to the northeast corner of Lot 36, north 45 feet to the point of beginning in Southfield Subdivision, Section 8, T3N, R2W, Delhi Township, City of Lansing, subject to retention of a 45 feet wide easement extending from the west line of Yunker to 110 feet west for sewers and other utilities; and

Be It Further Resolved that while the street rights-of-way shall be vacated, the utility companies will maintain the easements for the purpose of inspections, operations maintenance and repair of the utilities without hindrance, and in the same manner as if the streets had remained a public way; and

Be It Further Resolved that the portion of Yunker Street south of Victoria be paved, in the public interest; and

Be It Finally resolved that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Register of Deeds and send a copy of the recorded resolution to the Michigan Department of Treasury within thirty (30) days.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0122

Resolved by the City Council of the City of Lansing:

Whereas, the Parks and Recreation Department of the City of Lansing desires to use a portion of the Board of Water and Light's Wise Water Plant property as a temporary tree nursery site; and

Whereas, the Board of Water and Light is agreeable to such use subject to certain conditions set forth in their letter of March 17, 1986; and

Whereas, use of the Wise Water Plant property subject to those conditions is in the best interest of the City,

Now, Therefore, Be It Hereby Resolved that the City of Lansing is authorized to enter into an agreement with the Board of Water and Light to use the rear portion of the Board of Water and Light's Wise Water Plant property as a temporary tree nursery site

upon the terms and conditions set forth in the Board's letter of March 17, 1986, which is incorporated herein by reference; and

Be It Further Resolved that the Mayor and City Clerk are authorized to take such actions and execute such documents as may be necessary to enter into such an agreement.

Adopted by the following vote:

Unanimously.

By PUBLIC SAFETY & PROPERTIES—

RESOLUTION #0123

Resolved by the City Council of the City of Lansing:

Whereas, General Motors Corporation has requested an easement for air rights across William Street for the purpose of a pedestrian overpass.

Now, Therefore Be It Resolved, that the City of Lansing hereby grants General Motors Corporation an easement for air rights across William Street. Said easement to be approved as to form by the City Attorney, and

Be It Further Resolved, that the Mayor and City Clerk are hereby authorized to sign said easement on behalf of the City of Lansing.

Adopted by the following vote:

Unanimously.

By PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0124

Resolved by the City Council of the City of Lansing:

Whereas, the Director of Parks and Recreation has recommended that controls be established regarding the use of certain parking lots within city parks, and

Whereas, Section 31-12 of the Traffic Code authorizes the Traffic Engineer, with approval of the City Council, to establish and post such restrictions in parking lots within city jurisdiction for a period up to 90 days, and

Whereas, the Traffic Engineer has approved the recommendation of the Director of Parks and Recreation in regard to certain controls being established,

Now Therefore Be It Resolved, the City Council authorizes limiting vehicular parking in the lot in Riverfront Park immediately north of Saginaw to two (2) hours, and that parking in the lot in Moores Park fronting on Moores River Drive be restricted to prohibit parking between the hours of 8:00 p.m. and 6:00 a.m.

Be It Further Resolved, the administration is to provide a report to the City Council on the effectiveness of these control measures.

By COUNCILMEMBER ADADO—

That this resolution be amended in paragraph 4, line 5, to change 8 p.m. to 9 p.m.

Carried.

The resolution as amended was adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0125

Resolved by the City Council of the City of Lansing:

Whereas, the chairperson of the Human Relations Board has requested that the rental fee of \$200.00 for use of the Civic Center Terrace Room be waived in conjunction with the Board's annual Human Relations Dinner held March 4, 1986; and

Whereas City policy prevents the waiving of fees due to the Civic Center Enterprise Fund; and

Whereas, the Committee on Ways and Means has reviewed this request and recommends that the Council authorize payment of the Terrace Room fee by co-sponsoring the dinner;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves City co-sponsorship of the annual Human Relations Dinner, held March 4, 1986; and

Be It Further Resolved the City Council authorizes payment of the \$200.00 rental fee for the Civic Center Terrace Room in conjunction with this dinner from the City Special Expenses Account (#101-930-000-962); and

Be It Finally Resolved the Mayor is requested to advise the Human Relations Department and all other elements of City government of how the Civic Center operates, and the City Council preference that any request for City co-sponsorship of an event be made well in advance of the event itself.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0126

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has participated in the Blue Lake Fine Arts Camp International Exchange program; and,

Whereas, Blue Lake Fine Arts Camp celebrates its 20th Anniversary this year; and

Whereas, the City of Lansing has co-sponsored with Blue Lake Fine Arts Camp International Exchange program since 1976 by having approximately fifty (50) different musical groups hosted in the Lansing area and performing free entertainment for Lansing residents; and,

Whereas, Robert and Brenda Hull have again agreed to coordinate visits for Lansing's 10th anniversary of visiting groups during 1986,

Now, Therefore Be It Resolved, the City of Lansing will co-sponsor with Blue Lake Fine Arts Camp International Exchange Program visits to Lansing by various musical groups during 1986 and make the

City's showmobile available as required; and,

Be It Further Resolved, that a small gift be presented to each musical group as a token of our international friendship and good will.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0127

Resolved by the City Council of the City of Lansing:

1) \$200.00 from Reserve for Contingency
A/C 101-941-000-963

\$200.00 to Personnel-Professional Services
A/C 101-226-000-801

2) \$1,050.00 from Public Service Act 51—Major
Winter Maint. Materials

A/C 202-478-000-782

\$1,050.00 to Public Service Act 51—Major Admin. &
Eng. Equipment

A/C 202-482-200-977

(Purchase chain fall & trolleys as recommended by
Value Management—Snow Removal Study. Equip-
ment will be used to improve plowmounting pro-
cedure.)

The Balance in the Reserve for Contingency Fund
after this transfe is \$261,176.00.

I hereby certify that this is a properly drawn and
eligible transfer.

JAMES W. DOWSETT,
Finance Director

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Announced that this was Library Week in the City
of Lansing and they had a program for all overdue
books returned with a can of food for the Food Bank
and the fine would be cancelled.

Introduced Howard McCaffery, Public Service
Director, who spoke regarding the Hi-Mount/Creston
Storm Sewer and curb and gutter work for that area.
Also the Willard Street construction of pump station.

REMARKS BY THE CITY COUNCIL

Councilmember Creamer asked about the city sup-
plying gloves for the workers who fill pot holes.

Councilmember Lindemann remarked that Chester
Park on Chester Road needed some attention. Also
the street signs at Barritt and Post Oak Lane had not
been installed as requested.

Councilmember Adado questioned the administra-
tion regarding where they arrived at the money figure
for their Proposal to sell bonds for Street Im-
provements thru Public Act 175.

Attorney R. David Wilson representing the F.O.P.,
911 Employees spoke regarding negotiations for 312
proceedings ongoing since Sept. 1985 and the selection
of an arbitrator.

Rev. J.E. Graves, 1500 W. Michigan Ave.,
presented petitions to Council to rename Logan St.
for Dr. Martin Luther King, Jr.

John Morris, P.O. Box 16022, Lansing, MI 48901
spoke regarding renaming Logan St. for Malcolm X.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:05 P.M.

RITA M. BAUMAN,
City Clerk.

April 7, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, April 14, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

April 14, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of March 10, 1986 be approved and Carried.

PUBLIC HEARING

April 14, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 1038 N. Cedar Street.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish of property they will have the privilege of speaking at this time.

No persons spoke.

By COUNCILMEMBER WORTHINGTON—

Due to the need for renotification to owners, this public hearing will be re-scheduled for May 12, 1986.

Carried.

April 14, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 417 N. Butler St.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish property they will have the privilege of speaking at this time.

No persons spoke.

By COUNCILMEMBER WORTHINGTON—

Due to the need for renotification to owners, this public hearing will be re-scheduled for May 12, 1986.

Carried.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Councilmember Blair spoke in regard to Demetrios Sazani, former Manager of the Civic Center. Mr. Sazani died in Florida.

Mayor McKane presented a Proclamation proclaiming "No Hitter Day" to Gail Kleine, School Board member, Pat Isom, teacher in Lansing School District and representatives of McDonald's and Child Abuse and Counseling Services. Proclaimed April as non-violence month and April 18, 1986 designated as "No Hitter Day".

PROCLAMATION

Whereas: Violence touches us all, directly or indirectly, and the costs are enormous; and

Whereas: Family violence is occurring with greater frequency in Lansing than most people realize; and

Whereas: Eighty-five percent of all homicides in Lansing are committed by family members or acquaintances; and

Whereas: Violent behavior can be modified when people accept responsibility for their actions and seek alternative ways to deal with stress and anger; and

Whereas: Lansing is a community that has many resources to assist people who are willing to reach out for help; and

Whereas: Child Abuse Prevention Services, the Lansing School District, and McDonald's of Lansing have collaborated to design and coordinate a campaign to STOP—Stop Taking Violence Out On People.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me do hereby proclaim April as:

"STOP VIOLENCE MONTH"

and further designate Friday, April 18, 1986, as:

"NO HITTER DAY"

In Lansing, and urge all citizens to support this campaign and thereby bring about an era of family harmony in this community that can spread throughout this land.

Given under my hand and the Seal of the City of Lansing this second day of April in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. MCKANE,
Mayor.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Speakers regarding Resolution #5, particular the funding for Aurelius Road Reconstruction were:

Dixie Pemberton, 924 Dakin St.
Beth Donaldson, 126 Horton St.
Ellen Bean, 227 Custer St.
Bridgett Janson, 115 N. Clemens
Frances Osborn, 425 N. Clemens
Allen Janson, 115 N. Clemens
Harold Johnson, 410 S. Clemens
Robert Hull, 425 S. Holmes
James Swift, 300 S. Clemens
Rick Kibby, 300 Shepard St. presented petitions from residents.
Ken Sebeck, Horton St.
Susan Christian, 312 S. Clemens

George Cutler and Hank Reniger spoke regarding Communication No. 6—track easement for Lansing-North Lansing Electric Railroad Museum.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—Ronald J. Dee, Verschul E. Olson, Willie E. Pulliam, Richard W. White, Douglas L. Harms, Daniel A. Garza, Kerry R. Lynn, William S. Hanley, Marie L. Lake.

Amusement License: Cin-Lan, Inc.

Beer and Wine Carry-Out—Quality Dairy Co., 2100 No. Larch St. (for location only); Supermart's, Inc., 1923 E. Michigan Ave.

Automobile Wrecker: Certified Car Care.

Mechanical Amusement Device: Mac's Saloon.

Referred to Committee on General Services.

Claims filed by:

Atty. Thomas Mitchell on behalf of Frances J. Whitten for injuries and damages sustained in a fall on a city street.

Mary Anne Ruskovic for Special Assessment fees for property at 1006 Shepard St.

Robert N. McKerr, 2009 Loraine, for damages to automobile while parked in the So. Capitol Ramp.

Eldon Hosey for damages done to the hood of the automobile due to the parking arm at the Civic Center Parking lot coming down on the car.

Referred to City Attorney.

Petition filed for rezoning—Z-10-86—Lot 48 of Supervisors Plat of Prosperity Farm No. 1, City of Lansing, Ingham County, Michigan from "A" Residential District to "F" Commercial District—4516 So. Logan St.

Referred to Planning Board and Mayor.

Petition filed for construction of curb and gutter—CG-2-86—Tressa Dr. from Jolly Rd. to north end of the street.

Referred to Mayor.

Request for three-way stop sign at the intersection of Glenbrook Dr. and Brighton Ave.

Referred to Traffic Board and Mayor.

George Cutler submits request of track easement for Lansing-North Lansing Electric Railroad Museum.

Referred to the Mayor.

P. Thomas McGuire, President Center City Ministerial Asslance, submits letter regarding the CATA bus Staging Area.

Referred to Committee on Public Safety and Property.

Letter regarding the No Smoking Ordinance received from Greater Lansing Automobile Dealers Association, Inc.

Referred to Committee on General Services.

Michigan Municipal League submits notice of membership fees for 1986/87.

Referred to Mayor.

Kirk D. McMullen, Mayor of Monroe, Mich. and Chairman of Region II of Michigan Municipal League urges attendance for annual meeting on April 22, 1986.

Received and placed on file.

Letter from the Lake Lansing Nature Conservancy requesting that the Lansing City Council help in contributing to this organization in the purchase of property adjacent to Lake Lansing Park.

Referred to the Mayor.

Lansing Lyric Opera requesting resolution by the City Council so that they can be recognized as a non-profit organization.

Referred to Committee on General Services.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 4a (CATA Bus Staging Area); 4c (1986-87 Preliminary Budget-Airport Authority); 4d (Human Relations Board Resignation by Sylvia Holquin); 4e (Community wide effort to raise funds to purchase land adjacent to Lake Lansing Park) and 4g (Removal of Hazardous Materials from BARRELS, INC.).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers: Ronald J. Dee, Verschul E. Olson, Willie E. Pulliam, Richard W. White, Douglas L. Harms, Daniel A. Garza, Kerry R. Lynn, William S. Hanley, Marie L. Lake.

Amusement License: Cin-Lan, Inc.

Beer and Wine Carry-Out: Quality Dairy Co., 2100 N. Larch St. (for location only); Supermart's Inc., 1923 E. Michigan Ave.

Automobile Wrecker: Certified Car Care.

Mechanical Amusement Device: Mac's Saloon.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PATRICK LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the rezoning petition:

Z-1-86, 5510 South Logan Street to be rezoned from "A" Residential, "J" Parking and "F" Commercial Districts to "F" Commercial District reports as follows:

That said rezoning be approved.

Signed:

CHARLES CREAMER
LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

April 14, 1986

President Benavides and Members
of the Lansing City Council

RE: Claims of John H. Williams and Beatrice E. Hendy

Dear President Benavides and
Members of City Council:

On April 1, 1986, this office submitted letters recommending denial of the above referenced claims. Those recommendations were based on the fact that it appeared that our Public Service Department had responded promptly to notices it had received of potholes.

Subsequent investigation by the Public Service Department has indicated that although the Department did respond quickly to the reports it received, and did make spot repairs in the area, they failed to take note of extensive deterioration in the area and make more extensive repairs or post appropriate warnings.

Based upon the above, this office now recommends that the claims of Mr. Williams and Ms. Hendy should be paid in the amounts requested.

Very truly yours,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw warrants on the City Treasurer in the amount of \$221.09 payable to John H. Williams and \$67.85 payable to Beatrice E. Hendy.

Carried.

April 4, 1986

President Benavides and
Members of Lansing City Council

Dear President Benavides and
Members of City Council:

The Tri-County Metro Narcotics Squad effected an arrest for violation of the Controlled Substance Act (MCLA 333.6101 et seq.) of a husband and wife on March 4, 1986 in the City of Lansing. The following items of property were seized and forfeiture proceedings commenced pursuant to the Controlled Substance Seizure and Forfeiture of Property Act, MCLA 333. 7521 et seq:

1981 Oldsmobile Cutlass Automobile
VIN #1G3AR47A8BM419211
Assorted Jewelry
\$19,742.00 cash

The 1981 Cutlass has an approximate book retail value of \$4,850. The vehicle does not have any liens on the title and was purchased the day before seizure by the husband and paid for with cash.

The assorted jewelry in question was found in the trunk of the 1981 Cutlass. The jewelry includes gold in color necklaces, bracelets, earrings, pendants and rings. Each individual item of jewelry had a price tag attached to it. The price tag value were added up and the total price tag value was \$18,934.51. It is believed that the value placed upon each item was arrived at by the wife. The jewelry is of second quality and worth considerably less than the price tag value attached.

The Ingham County Prosecutor has charged both the husband and wife with felony counts under the Controlled Substance Act. It has been proposed as part and parcel of a plea agreement of the criminal cases that the husband will plead guilty to the felony charge of delivery of cocaine. The wife will plead guilty to a misdemeanor count of possession of a controlled substance. In addition the jewelry will be returned to the wife.

The 1981 Cutlass and the \$19,742.00 in cash will be forfeited to the City of Lansing to the appropriate law enforcement accounts to enhance law enforcement efforts under the Controlled Substance Act. In addition to the 1981 Cutlass and the \$19,742.00 in cash, \$2,130.00 was seized and has been forfeited from a third party in connection with this same arrest.

Based upon applicable law and the terms of the plea agreement, this office considers the property disposition reasonable and it is the recommendation of this office that the property settlement portion of the plea agreement should be approved. Your expeditious consideration of this matter is requested.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and that the property settlement portion of the plea agreement be approved.

Carried.

April 10, 1986

President Benavides and Members
of Lansing City Council

Re: Outside Bond Counsel

Dear President Benavides and
Members of City Council:

As you know, the City is considering financing certain street improvements by means of a revenue bond issue to be repaid using "Act 51" funds. To issue and market such bonds, it is necessary that the City retain outside bond counsel.

For that purpose, this office recommends that you approve the retention of the law firm of Miller, Canfield, Paddock and Stone. That firm has extensive expertise in such bonding and have expressed their willingness to represent the City in this matter. Compensation for their services will be at their regular rate and would be obtained from the bond proceeds.

Your expeditious consideration of this recommendation will be appreciated.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the law firm of Miller, Canfield, Paddock and Stone be retained for outside bond counsel.

Carried.

Councilmember Lindemann returned to the meeting.

April 14, 1986

Council President Benavides and
Members of Lansing City Council

RE: Claim of Laurie Ghinelli for \$65.00

Dear President Benavides and
Members of Lansing City Council:

On February 27, 1986, Laurie Ghinelli, no address given, filed a claim for \$65.00 for damage of her car tire allegedly caused by a pothole on Clippert Street south of Saginaw Street in Lansing on February 24, 1986.

The Public Service Department's Operation and Maintenance Division investigated this claim and reported that the City fixed this pothole as soon as it knew about it on February 24, 1986. Although the City had no prior knowledge of this pothole prior to this complaint, it did have prior notice of several other mishaps in this area. Although some repairs were made, potholes still remained and no warning was posted. MCLA 691.1403 reads as follows:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency KNEW, or in the exercise of reasonable diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days

or longer before the injury took place." (Emphasis added)

The facts show that the City was not aware of this particular pothole prior to this complaint, it was aware of generally bad conditions in this area, and had failed to correct them or post appropriate warnings. Accordingly, it is recommended that this claim be paid.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby instructed to draw a warrant on the City Treasurer in the amount of \$65.00 payable to Laurie Ghinelli. 1984 Howell Rd., Mason, MI, 48854.

Carried.

April 9, 1986

Council President Benavides
Members of City Council

Dear President Benavides and Members of the City Council:

Attached is an Affidavit of Disclosure for Bernard Feldpausch, brother of Raymond Feldpausch, a City employee.

Mr. Feldpausch plans to do business with the City of Lansing in the purchase of old Kerosene and waste oil.

Sincerely,

RITA M. BAUMAN,
City Clerk.

Received and placed on file.

April 8, 1986

Mayor Terry J. McKane,
Council President Antonio Benavides
and City Council Members

RE: Grandview Plaza EDC Project
Resolution Amending Prior Resolutions

Dear Mayor McKane and Council Members:

At its regular scheduled monthly meeting held on April 2, 1986, the Economic Development Corporation Board of Directors approved a Resolution Amending Prior Resolutions on the Grandview Plaza EDC project (Resolution attached).

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Referred to Committee on Economic Development.

DATE: 4/8/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached recommendations
from Douglas Finley, Howard McCaffery, Douglas
Finley and Mark Holliday

Re: CATA Bus Staging Area

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to Committee on Public Safety and Property.

DATE: 4/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Department

Re: Proposed Wastewater Sewage Rates for FY
'86-'87

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee of the Whole.

DATE: 4/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Capital Region Airport Authority

RE: 1986-87 Preliminary Budget

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Referred to the Committee of the Whole.

DATE: 4/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Sylvia Holguin

Re: Human Relations Board Resignation—Sylvia
Holguin

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Ingham Co. Brd. of Commissioners

RE: Community-wide effort to raise funds to purchase land adjacent to Lake Lansing Park.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Human Services and
Intergovernmental Relations.

DATE: 4/9/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Director

RE: Trash in R.O.W. Removal Assessment for June,
1986 (V-12)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMAN CREAMER—

That we concur in the recommendation of the Mayor and said assessments (\$990.00) be placed on the 1986 June (V-12) Tax roll.

Carried.

DATE: 4/9/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Emergency Services Director

RE: Removal of Hazardous Materials from
BARRELS, INC.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from City Treasurer

Re: 1985 Ad-Valorem, Industrial Facility and
Commercial Facility Property Tax Rolls

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/10/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Director

Re: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0128

Resolved by the City Council of the City of Lansing:

Whereas, Mr. David Hector has submitted an application for license as a public driver; and

Whereas, The Office of the Chief of Police has reviewed the application and recommendation disapproval in accordance with the provisions of Section 30-5(1) of the City Code; and

Whereas, The Committee on General Services has examined the report from the Assistant Chief of Police and concurs with the recommendation to disapprove the application;

Now, Therefore, Be It Resolved, the Lansing City Council hereby disapproves the application of David Hector for license as a public driver; and

Be It Further Resolved, upon adoption of this resolution the City Attorney shall notify the applicant of said disapproval and advise him of his right to a hearing under the provisions of Section 30-5 of the City Code.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0129

Resolved by the City Council of the City of Lansing:

Whereas Pearl Madden, acting on behalf of her sister, Edith Dakin, legal owner of the property located at 612 River Street, Lansing, Michigan and further described as:

The North 24 feet of Lot 16, Block 155, Original Plat, City of Lansing, Ingham County, Michigan.

Did submit a written request to the Director of Building Safety to demolish and remove a condemned residential structure located at the above address, and that all costs be applied to the property tax roll;

Now, Therefore, Be It Resolved that the Director of Building Safety is authorized to proceed with demolition and removal of the structure, filling, grading and seeding of the site, and that the Purchasing Director is authorized to proceed with obtaining quotations for the work.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0130

Resolved by the City Council of the City of Lansing:

Whereas, a proposed ordinance to restrict smoking in public places and office work places, similar to an ordinance recently adopted by the City of East Lansing, has been reviewed by the Committee on General Services; and

Whereas, said ordinance would establish requirements and prohibitions for individuals, as well as owners, operators and managers of public places and office work places, and anyone violating these requirements and/or prohibitions would be subject to a civil fine of \$50.00 for a first offense and \$100.00 for subsequent offenses; and

Whereas, the Committee has examined testimony on said ordinance from the Feb. 24, 1986 public hearing and has taken additional testimony through citizen correspondence, through witnesses at Committee meetings, and through research performed by the Committee Chairperson and staff members; and

Whereas, the Committee has determined that medical evidence of physiological harm to smokers, proven in the last several years in many research projects, has caused thousands of Americans to quit smoking, and smokers now represent a minority percentage of the population; and

Whereas, testimony showed the proposed ordinance is favored by non-smokers who believe secondary and sidestream smoke within an enclosed environment poses an unacceptable risk to the health of those exposed to said environment for long periods, as well as non-smokers who believe tobacco smoke within an

enclosed environment is simply a nuisance; and

Whereas, the Committee finds that the proposed ordinance would establish a new regulatory function within the City Government, involving the staff of several departments including the Mayor's office in daily efforts to respond to citizen complaints, interpret definitions, either give warnings or issue appearance tickets to those engaged in prohibited smoking; and

Whereas, several individuals offered written and/or oral testimony making the point that employers should maintain the right to develop whatever smoking regulations or prohibitions are most effective in promoting harmony and productivity in their work places; and

Whereas, the Committee has concluded that reasonable accommodation of non-smokers and smokers in public places and in office work places is possible on a voluntary, cooperative compliance basis; and

Whereas, the Committee has further concluded that the same goals would be better achieved through voluntary compliance with requests for individual determinations of reasonable accommodations rather than an attempt to gain compliance by means of a regulatory ordinance, with definitions and standards imposed by the City;

Now, Therefore, Be It Resolved, the Lansing City Council hereby adopts the following policies recommended by the Committee on General Services:

1. The proposed ordinance to amend the Nuisance Chapter of the City Code so as to regulate, restrict and prohibit smoking in public places and in office work places shall be held within the Committee on General Services for further study and determination of need throughout the community for the weight of a City Ordinance to protect citizens' rights. The Committee may re-introduce the ordinance at any time upon compelling evidence that the City's request for voluntary compliance with reasonable accommodation policies is being substantially ignored. The Mayor or his designee is requested to monitor, respond to complaints, and report on compliance with this City policy, to the General Services Committee very three months from the effective date of the resolution.

2. The Mayor, in consultation with other elected officials having responsibility for public places and office work places in City facilities, is hereby requested to establish facility policies and regulations regarding smoking that provide reasonable accommodation for smokers and non-smokers, including the designation and marking of areas where smoking is permitted and where smoking is not permitted. Such policies and regulations shall be consistent with existing state law and City ordinances. The Mayor is further requested to develop recommendations for amendments to the City Personnel Rules to specify employee responsibilities under the City's policies on smoking.

3. The Lansing City Council hereby designates the following areas of the 10th Floor of City Hall as places where smoking is to be permitted:

- a. The uncarpeted portion of the main lobby area.
- b. The hallway area immediately outside the City Council's Conference Room.

c. Private enclosed office of Councilmembers and staff member that are NOT POSTED with "no-smoking" signs.

All other areas of the 10th Floor are to be posted as "no-smoking" areas.

4. Owners and managers of Lansing restaurants are encouraged to develop and implement common-sense practices that provide reasonable accommodation to smoking and non-smoking patrons. With this request for voluntary compliance, the City Council offers the following suggestions based on public comments:

a. Designate smoking and non-smoking areas so that non-smokers are not forced to pass through designated smoking areas on their way to and from tables and rest rooms.

b. Designate smoking areas in the best-ventilated portions of the facility.

c. Designate rest rooms as non-smoking areas unless adequate exhaust mechanisms are in place to remove smoke.

5. Owners and manager of other public places are encouraged to develop and implement reasonable accommodation policies and practices that best respect their non-smoking clientele.

6. Employers maintaining office work places are encouraged to adopt, publish, implement and maintain a written non-smoking policy that promoted maximum harmony and productivity in work places while providing reasonable accommodation for non-smokers and smokers. Toward development of such policies, employers should be aware that daily and long-term exposure to secondary and side-stream smoke with an enclosed environment can pose varying levels of medical risk to non-smokers, according to several researchers. Therefore, consideration should be given to the prohibition of smoking in enclosed meeting rooms, rest rooms and common work areas unless smoke is quickly exhausted by a ventilation system. Employee cafeterias should also have adequate non-smoking areas provided.

7. Not later than one year following the effective date of this resolution, the Committee on General Services shall report to the City Council the results of the above policies and requests for voluntary compliance. Of special interest will be a comparison against the actual experience in the City of East Lansing under regulatory ordinance. Such report shall include any observations and/or recommendations offered by the Mayor.

8. The Mayor or his designee is requested to encourage the private sector to comply with the above policies, and to issue a certificate of appreciation to any employer who applies for such a certificate and files an affidavit that he/she is complying with the above policies. This certificate shall be valid so long as the employer complies with the above policies.

9. The City Council will call upon the Michigan Department of Public Health to co-sponsor educational conferences on the problems of smoking and what the private sector can do to eliminate the health hazards and nuisance of smoking.

And Be It Further Resolved that this resolution take effect in sixty (60) days.

Adopted by the following vote:

Unanimously.

Councilmember Blair left the meeting.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0131

Resolved by the City Council of the City of Lansing:

ACT-40-85

Vacate portion of Garfield Street

Whereas the Property Management Division has requested that a portion of Garfield Street be vacated; and

Whereas, the Planning staff examined this request under Act 285 and found that the right-of-way is used by the adjacent residential owners to the east and west and that it is not likely that the right-of-way will be needed; and

Whereas the Planning Board, at their March 18, 1986 meeting, agreed with the staff recommendation that this right-of-way be vacated to adjacent property owners; and

Whereas, the Committee on Public Safety and Properties has reviewed and concurred with the Planning Board's recommendation;

Now, Therefore, Be It Resolved that the Lansing City Council hereby approves the vacation of a portion of Garfield Street legally described as:

That portion of Garfield Street beginning at the southwest corner of Lot 163; thence southwesterly to the southeast corner of Lot 165; thence north 125 feet to the northeast corner of Lot 164; thence east 50 feet to the northwest corner of Lot 163; thence south 108 feet to the point of beginning, in S. Parkwood Subdivision, City of Lansing, Ingham County, Michigan; and

Be It Further Resolved that the construction of a sidewalk be continued across the south end of the subject parcel; and

Be It Finally Resolved that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Register of Deeds and to send a copy of the recorded resolution to the Michigan Department of Treasury within thirty (30) days.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0132

Resolved by the City Council of the City of Lansing:

ACT-8-86

North Lansing Railroad Museum

Whereas, the North Lansing Electric Railroad

Museum has obtained permission to purchase the railroad gate control tower currently located at East Michigan Avenue and the Conrail rail line; and

Whereas the Electric Railroad Museum is requesting to place the control tower on public property in the vicinity of Burchard Park in North Lansing; and

Whereas the Lansing Planning Board has reviewed this request under Public Act 285 of 1983, as amended, and has recommended that the Lansing Electric Railroad Museum be given a lease and be permitted to place a railroad crossing gate control tower in the Factory Street right-of-way opposite Smith Pharmacy, and further recommended that the Museum be required to provide the following:

- A) One dollar (\$1.00) a year lease payment.
- B) Indemnify the City.
- C) Provide liability insurance with the City as the coinsured.
- D) Provide all expenses for utilities required and maintain the tower and environs in a condition equal in quality to those facilities in Burchard Park; and

Whereas the Committee on Public Safety and Properties has reviewed the recommendation of the Planning Board and concurs with these recommendations;

Now, Therefore, Be It Resolved that the City Council of Lansing approve the leasing of property in the Factory Street right-of-way opposite the Smith Pharmacy to the North Lansing Electric Railroad Museum, thereby using up to three parking spaces; and

Be It Further Resolved that the Property Management Division be authorized to draft such a lease, and that the Mayor be authorized to execute the lease with the North Lansing Electric Railroad Museum.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0133

Resolved by the City Council of the City of Lansing:

ACT-3-86
Outlot "A" Champion Way
Request for removal of outlot status

Whereas Van Deventer Construction Company has requested the release of Outlot "A" Otto Park Subdivision, City of Lansing, Ingham County, Michigan to allow construction of a single family home; and

Whereas the request has been reviewed according to Act 285, Public Acts of 1921; and

Whereas the Planning Board has recommended that the request be granted with provisions; and

Whereas the Committee on Public Safety and Properties of the City Council concurs in this recommendation;

Now, Therefore, Be It Resolved that the Lansing City Council ordains that Outlot "A" of Otto Park Subdivision be released and redesignated Lot 43 of

Otto Park Subdivision, provided:

1) Michigan State University combines parcels 3301-35-180-011 and 3301-35-180-001, and

2) All parts of the Subdivision Control Act of 1967 (Sections 560-221 through 560-229 specifically) are followed.

3) That notice of the withdrawal of the outlot for future road purposes is recorded by the plat proprietor with the office of the Register of Deeds and a copy of the notice is forwarded to the State Treasurer.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0134

Resolved by the City Council of the City of Lansing:

Whereas, downtown developments will preclude the use of the Grand Avenue/East Michigan Avenue area for regular staging by buses of the Capital Area Transportation Authority (CATA); and

Whereas, the CATA staff has been meeting with City officials and administrators of Lansing Community College to evaluate various downtown sites as potential CATA staging areas; and

Whereas, a joint recommendation from CATA, LCC, and the City Administration identified the North Grand Avenue/East Shiawassee Street area as the best site for short-term relocation of the CATA staging area; and

Whereas, this recommendation has been reviewed with the Committee on Public Safety and Properties, which recommended approval of the site subject to agreement CATA of certain conditions; and

Whereas, the Board of Directors and staff of CATA have pledged to fulfill the conditions of approval set by the Committee on Public Safety and Properties;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves of the North Grand Avenue/East Shiawassee Street area by CATA as a short-term staging area for buses, subject to the following conditions as recommended by the Committee on Public Safety and Properties:

1. CATA agrees to assign staff on a daily basis to police the staging area and maintain cleanliness of the area.

2. CATA agrees to purchase six trash receptacles of a type considered acceptable under current City policy for use at the staging area; receptacles to be emptied daily.

3. On or before December 1, 1986, a coordinated report shall be forwarded to City Council from CATA and the City Administration offering one or more recommended sites for the permanent relocation of the CATA staging area. Consideration should be given in such recommendation to a site that could accommodate an intermodal transportation terminal.

Councilmember Blair returned to the meeting.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BLAIR—

That the following letter be made part of the record and printed in the City Council minutes.

Carried.

April 10, 1986

Mr. Tony Benavides, President
Lansing City Council

Dear Mr. Benavides:

On behalf of the Capital Area Transportation Authority I wish to thank the Lansing City Council for their continued interest in serving the constituents of the Greater Lansing Area by your discussion and hopefully, your approval of the temporary staging location at the corner of Shiawassee and Grand.

As I stated in the Public Properties Committee meeting held on this date, CATA will make the commitment to continue to clean up the new staging area on a daily basis during the week. We feel this will insure that the area will continue to stay as a pleasant parkside area. As also stated, CATA will purchase the six City-approved trash containers for the park area and we have already made inquiries as to how we can take possession of these containers.

Please feel free to contact me at your convenience as we will do whatever we can to continue to serve the passengers of our Greater Lansing Area.

Sincerely,

SANDRA L. DRAGGOO
Executive Director.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES—

RESOLUTION #0135

Resolved by the City Council of the City of Lansing:

Whereas, the existing bridge carrying Michigan Avenue over Mill Street has been declared a Critical Bridge and eligible for federal funds for immediate replacement; and

Whereas, it has been determined that the new bridge to be constructed must integrate the Convention/Exhibition Center with the cultural facilities along Museum Drive; and

Whereas, Snell Environmental Group was retained by the City to design the Michigan Avenue Bridge improvements and the necessary improvements along Museum Drive; and

Whereas, the improvements to Museum Drive require that additional street right-of-way be obtained from property currently owned by the Board of Water and Light; and

Whereas, the Public Service Department has met with the Board of Water and Light and determined

which properties are needed to construct these improvements;

Now, Therefore, Be it Resolved that the properties which are located on Museum Drive and are identified in Attachment A shall be exchanged between the Board of Water and Light and the City at no cost to either party; and

Be It Further Resolved demolition of any structures required for the development of Museum Drive and reconstruction of the Michigan Avenue Bridge pursuant to the approved plans of Snell Environmental Group shall be at City expense; and

Be It Further Resolved the City shall design the Museum Drive curb cuts and radii to accommodate the Board of Water and Light, its structures, and truck traffic to and from its Cedar Street Complex; and

Be It further Resolved the City shall schedule all demolition and construction work to allow sufficient time for the Board to relocate and/or reroute utilities as required to prevent disruption of services to its customers; also, said scheduling shall allow the Board time to vacate the Michigan Avenue premises and cancel present lease in accordance with lease agreement to third party; and

Be It Further Resolved that 90% of all costs incurred in the relocation of the Board of Water and Light's three utilities (overhead and underground) in conjunction with the construction of a new Michigan Avenue Bridge and Museum Drive shall be paid with State and Federal Critical Bridge Funds and the remaining 10% of the costs shall be paid by the Board of Water and Light; and

Be It Finally Resolved that the Mayor, Public Service Director and City Attorney be authorized to execute the appropriate documents necessary to carry out the terms of this resolution.

By COUNCILMEMBER BLAIR—

This resolution does not include a legal description and the Public Service Dept. should bring back a resolution to confirm the legal description.

By COUNCILMEMBER SCHMIDT—

Schematic "A" attached does include the redesign for the bike trail.

Carried.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBERS ADADO, BELEN,
BENAVIDES—

RESOLUTION #0136

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-3-75 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 2200 Olds Avenue; and

Whereas, Industrial Welding, Inc. has submitted an application for an Industrial Facilities Exemption Certificate for new equipment, machinery and other im-

provements; and

Whereas, a hearing was held on Industrial Welding's application for an Exemption Certificate on March 31, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Industrial Welding, Inc has met the requirements for an Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated April 7, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Industrial Welding, Inc for an Industrial Facilities Exemption Certificate in Lansing Plant Rehabilitation District IPR-3-75, to expire in twelve years.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0137

Resolved by the City Council of the City of Lansing:

That it is hereby determined to be a matter of public health and necessity to construct the following sewers:

Storm sewer in Grovenburg Road from end of existing sewer to approximately 115 ft. south and continuing from LaBelle Road south approximately 435 ft. to the intersection of Edgewood Road.

Outlet sanitary sewer crossing Willoughby Road from the north side of Kingdon Avenue to the south side of the street for future sewer service to Delhi Township proposed developments.

And that the construction of these sewers are hereby ordered.

And further, that the estimated cost of these improvements shall be financed as follows:

Grovenburg Storm Sewer: Estimated cost \$30,400.00, \$25,400.00 to be assessed to the benefited property owners and the City's share of \$5000.00 from account 401-787-010-974.697.

Willoughby Rd. Outlet Sewer: \$14,300.00 from account 590.536.610.974, which is all City's share.

Be It Further Resolved, that the Department of Public Service is hereby directed to prepare as far as necessary, plans and specifications for these improvements which will be a part of the Sheridan Road Pumping Station and other sewers, PS 16045, and to estimate in detail, the cost of said project and to furnish said information to the Mayor and City Council.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0138

Resolved by the City Council of the City of Lansing:

That it is hereby determined to be a matter of public health and necessity to construct storm sewer, curb and gutter and other road improvements on E. Jolly Road from Pennsylvania Avenue to Cedar Street for a project known as Jolly Road Reconstruction, (MDOT 25128A) PS 67051, and that the construction of these improvements is hereby ordered.

And Further, that the estimated cost of this improvement is \$359,100.00, which shall be financed as follows:

\$26,800.00 (curb & gutter) Assessable to property owners

\$55,800.00 (road work & storm sewer) from accounts 401-900-000-074.3 and 401-787-010-974.688

\$276,500.00 (remaining 77% of cost) from Federal Funding

And Be It Further Resolved, that the Michigan Department of Transportation, in accordance with an Agreement with the City of Lansing, will prepare plans and specifications and receive bids for this project and will furnish said information to the City.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT I

RESOLUTION #0139

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construction Storm Sewer in Grovenburg Road from end of existing to approximately 115 ft. south and continuing from LaBelle Rd. south approximately 435 ft. to the intersection of Edgewood Road and ordered for (see Council Resolution ordering 4/7/86).

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

RESOLUTION #0140

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Sanitary Outlet Sewer crossing Willoughby Road from the North side of Kingdon Avenue to the south side of the road and ordered for (see Council Resolution ordering 4/7/86).

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

RESOLUTION #0141

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Sanitary Sewer in Sheridan Road from Turner St. East to 110 E. Sheridan Road a petition (See petition #SS-1-85 on file with the City Clerk) Signed by 25% of the benefited owners, Signed by owners of 51% of the benefited property.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

RESOLUTION #0142

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Sanitary Sewer in E. Sheridan Rd. from the existing sewer at 810 E. Sheridan Rd. west approximately 400 ft. to serve Lot 29 of Woodlawn Subdivision (710 E. Sheridan Rd.) a petition (See petition #SS 2/85 on file with the City Clerk), signed by 66.7% of the benefited owners, signed by owners of 75% of the benefited frontage.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

RESOLUTION #0143

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Sanitary Sewer in Walker Street from Sheridan Road south approximately 600 feet. A petition (See Petition #ss-4/85 on file with the City Clerk) signed by 33% of the benefited owners, signed by owners of 50.05% of the benefited frontage.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

RESOLUTION #0144

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Storm Sewer, Curb & Gutter & Road Reconstruction on E. Jolly Road from S. Pennsylvania Avenue to S. Cedar Street order for (see Council Resolution ordering 4/7/86).

In accordance with the Agreement with the State of Michigan, who will take bids, that the Department of Transportation be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

Much discussion was held and questions asked.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0145

Resolved by the City Council of the City of Lansing:

Whereas, the City Council has granted authority for the City Administration to sell bonds for several improvement projects, one of which involves the narrowing of Aurelius Road from north of the Mt. Hope intersection to south of Elizabeth;

Now, Therefore, Be It Resolved the Lansing City Council hereby declares that bond proceeds for the Aurelius Road project shall not be spent until City

Council is satisfied that a long-term solution to problems centered on the Aurelius/Wood corridor is being actively pursued by all affected parties; and

Be It Further Resolved the Committee on Public Safety and Properties shall meet with the Eastside Transportation Study Committee, the Eastside Neighborhood Organization, the Forest View Neighborhood Association, and appropriate City staff to begin the process of developing such long-term solution.

By COUNCILMEMBER LINDEMANN—

After a six month time period that the Committee on Public Safety and Properties after reviewing reports return with recommendations.

Carried.

The resolution as amended was adopted by the following vote:

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0146

CITY OF LANSING
COUNTIES OF INGHAM AND EATON, MI

Whereas, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "Issuer") intends to authorize the issuance and sale of 1986 Michigan Transportation Fund Bonds, pursuant to Act 175, Public Acts of Michigan, 1952, as amended ("Act 175"), in an amount not to exceed Two Million Dollars (\$2,000,000.00), for the purpose of defraying part of the cost of constructing street improvements in the City of Lansing; and

Whereas, prior to issuance of bonds the Issuer must either receive prior approval of the bonds from the Department of Treasury ("Treasury") of the State of Michigan or be exempt from prior approval as provided in Section 1(2) of Act 175, and Chapter III, Section 11, of Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and

Whereas, in order to be exempt from prior approval, the Issuer must notify Treasury of the Issuer's intent to issue the Bonds.

now, therefore, Be It Resolved That:

1. The Director of Finance of the Issuer is authorized to notify Treasury of the Issuer's intent to issue the bonds described in the preamble to this resolution, to execute the Notice of Intent form required by Treasury, to pay the related fee, to request an order providing an exception for the bonds from prior approval by Treasury, and to execute and delivery other documents as may be required by Treasury in connection with such order.

2. The Issuer hereby agrees to file with Treasury the documents required by Section 10(1) of Chapter III of Act 202.

3. In the event the State Treasurer of the State of Michigan issues an Order denying an exception from prior approval, the Director of Finance of the Issuer is authorized to submit an application for prior approval

to Treasury and to execute and delivery any documents as may be required by Treasury in connection therewith.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, at a regular meeting held on Monday, April 14, 1986, at 7:00 o'clock p.m., Michigan Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following members were present at said meeting Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington.

And that the following members were absent—none.

I further certify the Member Lindemann moved adoption of said resolution and that Member Blair supported said motion.

I further certify that the following members voted for adoption of said resolution: Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington and that the following members voted against adoption of said resolution: None.

RITA M. BAUMAN,
City Clerk.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0147

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

1) \$1,196.00 from Suppression Salaries
A/C 101-339-000-702

1,196.00 to Fire alarm Div.-Salaries
A/C 101-345-000-702

(Settlement of grievance between the City of Lansing & IAFF Local 421, regarding the promotion of David Taylor to Asst. Alarm Superintendent IV & retro wages.)

2) \$250,000.00 from Estimated Revenues
A/C 101-000-000-160

250,000.00 to Public Service-Garbage
Collection Subsidy

A/C 101-528-000-969

(to cover fiscal year 1986 in anticipated shortfall in revenues.)

\$250,000.00 from Retained Earnings
A/C 596-000-000-160

250,000.00 to Pub. Serv. Retained Earnings
A/C 596-000-000-395

(to cover fiscal year 1986 in anticipated shortfall in revenues.)

3) \$6,500.00 from Publ. Serv.-Refuse Equip. Rental
A/C 596-550-000-943

1,950 to Pub. Serv.-Refuse Wages-Hourly

A/C 596-550-0000-706

(Estimated wages related to provision of two additional weeks of leaf pick-up)

2,900.00 to Pub. Serv.-Refuse Vehicle Operating Expense

A/C 596-550-000-867

(Estimated vehicle cost associated with two additional weeks of leaf pickup).

700.00 to Pub. Serv.-Refuse Landfill Fees

A/C 596-550-000-929

(Estimated additional landfill costs associated with two additional weeks of leaf pickup)

950.00 to Pub. Serv.-Refuse Fr. Ben.

A/C 596-550-000-715

(Estimated fringe benefits related to two additional weeks of leaf pickup).

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
Ways and Means Committee

By COUNCILMEMBER LINDEMANN—

That we vote on the transfer of funds and that they be separated.

Carried.

The following vote was taken on the transfer of funds in the amount of:

\$1,196.00
\$6,500.00

Adopted by the following vote:

Unanimously.

The following vote was taken on the transfer of funds in the amount of:

\$250,000.00

Adopted by the following vote:

Yeas—Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—7.

Nays—Councilmember Belen—1.

By COUNCILMEMBER CREAMER—

That the following statement be made a part of the record:

"When we made a decision as a Council to move up the leaf pick-up, that was done without any prior notice to that particular division. In most

cases in years past, the refuse collectors has two additional workers put on routes to handle the additional load of leaf pickups. They did not have the time to do that this year and as a result their routes have been exceptionally have as nine people did the work of 11 and I just think that the route people did an exceptional job."

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-1-86—5510 South Logan Street to be rezoned from "A" Residential, "J" Parking and "F" Commercial Districts to "F" Commercial District

And recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-1-86—5510 South Logan Street to be rezoned from "A" Residential, "J" Parking and "F" Commercial District to "F" Commercial District be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-1-86—5510 South Logan Street to be rezoned from "A" Residential, "J" Parking and "F" Commercial Districts to "F" Commercial District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2181

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-1-86, 5510 South Logan Street
Parcel Number: 3305-05-126-111

Legal Description: The southeasterly 275 feet lying parallel to Logan Street of the following described property:

Commencing at the NW cor. Lot 7, Creyts Sub., a subdivision of part of Sec. 5, T3N, R2W, Delhi Township, now City of Lansing, Ingham County, Michigan; thence S 89°25'48" E along the north line of said Lot 7, 139.26 feet; thence S 43°56'20" E 493.00 feet to a point on the northwesterly ROW line of M-99 (Logan Street) as now located, said right-of-way line being 50.00 feet, when measured at right angles to the centerline of M-99; thence along the arc of the 50' ROW curve to the right, said curve having a delta angle of 11°18'40", radius of 3,183.10 feet long chord bearing and distance S 40°11'57" W 87.73 feet a distance of 87.74 feet to SW cor. said Lot 7; thence north 45°05'20" W along the westerly line of said Lot 7, 599.70 feet to the point of beginning. The above described lands contain 1.16 acres to the 50 foot ROW easement line, however, ownership extends to the original lot lines delineated as 33.00 feet from the centerline of Old M-99 which is not correlated with the new centerline of M-99 as now located; are subject to the rights of the public over the northwesterly 50.00 feet of M-99, a 10 foot drain easement over the northerly lot line, a 10 foot sewer easement, and all other easements and restrictions of record, if any.

From "A" Residential, "J" Parking and "F" Commercial District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBERS BELEN, WORTHINGTON, SCHMIDT, AND LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Claim filed by Edward R. Ryan III, 1414 Tisdale for mo-ped picked up by the Police Dept. and without any notification to the owner, was sold at public auction on March 27, 1986.

Referred to the City Attorney.

Letter from Rob Forgrave, Chairman of the Lansing Government Affairs Committee of the Chamber

of Commerce, in support of the resolution of voluntary compliance for smoking in public places which was adopted by the Lansing City Council.

Received and placed on file.

By COUNCILMEMBER ADADO—

RESOLUTION #0148

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has the responsibility to oversee the City's budget and to approve the issuance of bonds and other debt instruments by the City of Lansing; and

Whereas, to enable the City Council to fulfill its fiscal duties in a responsible manner, it is important that the City Council receive pertinent information for consideration at the earliest possible time; Now, Therefore,

Be It Resolved, that it shall be the policy of the City of Lansing that in the event the City Administration is considering the issuance of bonds or any other debt instruments, the City Council shall be so advised immediately, shall be supplied with all information pertinent to the matter, and shall be afforded the opportunity to provide comment on such matter.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

The first contract was signed today for the 1st convention in the new Convention-Exhibition Center and the new Hotel for next spring.

Board of Water and Light has sent a letter to the Grand River Basin residents that they will lower the river at Moores Park Dam on May 7th and raise the level again on May 19th.

The Boys and Girls Clubs of Lansing are having a fundraiser—serving "Steak and Hamburgs" at the Clarion Hotel this week.

J. P. McCarthy will be Governor for a Day on Thursday.

REMARKS BY CITY COUNCIL

Councilmember Creamer remarked about the noise and inconvenience mo-peds riders are causing for the residents in the 1800 blk. of Tecumseh River Drive. Requested the Administration have the Police Dept. check it out.

Councilmember Schmidt announced a meeting at McCourt St. on April 22nd at noon for Consumer Power representatives, attorney's office and herself regarding problem with mo-peds and bikes in that area.

Rob Forgrave, 2622 Bedford, spoke regarding whether a study had been done for smoking area in business and industrial sites and whether there has really been a problem.

Rober Hull and Rick Kibbey thanked city council for their vote on Resolution #5.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:37 P.M.

RITA M. BAUMAN,
City Clerk.

April 14, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, April 21, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

April 21, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of March 17, 24, and 31, 1986 be approved and Carried.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

April 21, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as:

Z-2-86—5647 Hughes Road, to be rezoned from "A" Residential District to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Referred to the Committee on Physical Development.

PUBLIC HEARING

April 21, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed for the purpose of receiving public comments on the proposed sale of Urban Renewal Parcel 12, Project No. 1, Mich. R-87, to R & A Development Co. (200 blk. No. Washington Sq. between Ionia and Ottawa Sts.)

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed sale of Urban Renewal Parcel 12 they will have the privilege of speaking at this time.

Al Tubbs, Director of Planning and Municipal Development, spoke and introduced Joseph B. Reid and Fred Abood, who spoke regarding development of this parcel.

Referred to the Committee on Physical Development.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers—William E. Downer, Yolanda Martinez, John R. P—errier, James K. Aimery III, David W. Chamberlin, Ted P. Slocum II, Rolly J. McDuffy, Robert H. Reighard, Jr., Victor S. Steinman.

Theatre License—New Art Theatre,

Automobile Wrecker Service—Creditors Protection Service, Duane's Shell, Inc., Shroyer's & Central Towing.

Mechanical Amusement Device—Majik Market (1022 Mt. Hope), Super X Drugs, West Bank Restaurant & Lounge, Mario's, Silver Dollar, Corey's

Lounge, Hayloft Saloon, Mac's Saloon, Putt-Putt Golf & Games, Rumor's (Capitol park), Lucky's DeMarco's, Harmonie, Airport Bar, Geller's, Gregory's, Ed's Bar, Colonial Bar, El Tango, Harry's Place, Pasquale's, Steve's Lounge, Famous Taco, Red Rail, Inc., Torre's Taco, Round Table, Unicorn, McCleer's, Mustang, Cin-Lan, Inc., El Azteco.

Rubbish Hauler—Bach Maintenance.

Auctioneer—Tom Nagy, James Korrey, Melvin White, Timothy Bean, Charles Warfield.

Peddler: Gunter Nartelski.

Ice Cream Peddler: Douglas R. Moore

Sign Erector—Brooke Advertising, Amor Sign Studios, Inc., J.D. Wisner Electric.

Building Movers—Williams House Moving.

Referred to the Committee on General Services.

Claim filed by Beverly J. Stewart, Holt, MI, for damage to hood of automobile while parked in the North Grand Parking Ramp.

Referred to the City Attorney.

Petitions filed for rezoning:

Z-11-86—1121 May Street, described as,

A part of the North $\frac{1}{2}$ of Lot 15 James Seymour's Subdivision of South-west $\frac{1}{4}$ of Section 10, Town 4 North, Range 2 West, City of Lansing, described as beginning on the North line of May Street at a point 124.40 feet East of the West line of said Lot 15, thence East on the North line of May Street 97.22 feet, thence Northerly 215.83 feet to a point 220.55 feet, Easterly of the West line of said Lot 15, thence Westerly 97.26 feet to a point 123.29 feet Easterly of West line of said Lot 15, and 216.61 feet Northerly of the point of beginning, thence South to said point of beginning, also subject to a driveway easement 20.0 feet wide contiguous to the North line of said described parcel, also a driveway easement 20.0 feet wide and 103.29 feet long contiguous with North line of parcels, West of said described property and adjoining a driveway easement over the West 20.0 feet of the South 229.40 feet of the North $\frac{1}{2}$ of Lot 15, to be rezoned "B" Residential District and "H" Light-Industrial District to "H" Light-Industrial District filed by Phillip Branstetter.

Z-12-86—815 N. Seymour St., described as, Lot 4, Block 49, Original Plat, City of Lansing, Ingham Co., Michigan, to be rezoned from "C" Residential District to "DM-1" Residential District filed by Kevin A. McKinney.

Referred to the Mayor and Planning Board.

Applications for Industrial Facilities Exemption Certificates filed by:

a. R.G. and Irma J. Curtiss for 630 Park Place for rehabilitation of building.

b. Inter State Foods, Inc., 200 N. Larch Street for rehabilitation.

c. Inter State Foods, Inc., 200 North Larch Street for a new facility.

Referred to the Mayor and Committee on Economic Development.

Invitation to attend 64th Great Lakes Regional Conference of Phi Beta Sigma Fraternity, Inc., May 23-26, 1986 at Clarion Hotel and Conference Center.

Referred to the Mayor.

Michigan Public Service Commission submits notice of hearing in the matter of the application of Consumers Power Company to establish performance standards for its Palisades Nuclear Plant.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 4a (Michigan Avenue—Approach to Capitol); 4b (Michigan Avenue/Museum Drive Bridge); 4q (Public Involvement Process—State Capital Revitalization).

REPORTS OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Public Drivers—William E. Downer, Yolanda Martinez, John R. P—errier, James K. Aimery III, David W. Chamberlin, Ted P. Slocum II, Rolly J. McDuffy, Robert H. Reighard, Jr., Victor S. Steinman.

Theatre License—New Art Theatre,

Automobile Wrecker Service—Creditors Protection Service, Duane's Shell, Inc., Shroyer's & Central Towing.

Mechanical Amusement Device—Majik Market (1022 Mt. Hope), Super X Drugs, West Bank Restaurant & Lounge, Mario's, Silver Dollar, Corey's Lounge, Hayloft Saloon, Mac's Saloon, Putt-Putt Golf & Games, Rumor's (Capitol Park), Lucky's DeMarco's, Harmonie, Airport Bar, Geller's, Gregory's, Ed's Bar, Colonial Bar, El Tango, Harry's Place, Pasquale's, Steve's Lounge, Famous Taco, Red Rail, Inc., Torre's Taco, Round Table, Unicorn, McCleer's, Mustang, Cin-Lan, Inc., El Azteco.

Rubbish Hauler—Bach Maintenance.

Auctioneer—Tom Nagy, James Korrey, Melvin White, Timothy Bean, Charles Warfield.

Peddler: Gunter Nartelski.

Ice Cream Peddler: Douglas R. Moore

Sign Erector—Brooke Advertising, Amor Sign Studios, Inc., J.D. Wisner Electric.

Building Movers—Williams House Moving.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Councilmember Blair left the meeting.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

To whom was referred the proposed fee schedule for building, electrical, mechanical, and plumbing permits and other miscellaneous fees charged by the Building Safety Division, as recommended by the Administration to go into effect on July 1, 1986, with the new fiscal year.

Reports as follows: the Committee approves the entire fee schedule (attached) for council adoption with an effective date of July 1, 1986.

SCHEDULE A

BUILDING INSPECTION FEES JULY 1, 1986

The following fees shall be charged for new construction, additions, and structural alterations. The determination of value or valuation under any of the provisions of this code shall be made by the director. The valuation to be used in computing the permit fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

\$1.00 to \$2,500—\$25.00.

\$2,500 to \$1,000,000—\$25 for the first \$2,500 plus \$4.00 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.

\$1,000,000 to \$5,000,000—\$4,015.00 for the first \$1,000,000 plus \$3.50 for each additional \$1,000 or fraction thereof, to and including \$5,000,000.

\$5,000,000 to \$10,000,000—\$18,015 for the first \$5,000,000 plus \$3.00 for each additional \$1,000 or fraction thereof to and including \$10,000,000.

\$10,000,000 and up—\$33,015 for the first \$10,000,000 plus \$1.00 for each additional \$1,000 or fraction thereof.

Plan Review Fee:

When a plan or other data are required to be submitted in accordance with the Uniform Building Code, except R3 structure having a permit value of less than \$100,000.00, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be twenty-five percent (25%) of the building permit fee as shown in the building permit fee table.

The fee shall be based upon the estimated cost

established by multiplying the square footage of the building by a reasonable unit cost factor or by such other method or methods established and approved by the building official. Such cost factors shall be posted in the office of the Building Safety Division. No permit shall be issued upon a lesser value than determined from this table.

Building Permit Data—The most recent square foot cost data published by the International Conference of Building Officials shall be used in determining building permit value. The square footage used to determine value shall be the floor area within the external dimensions of the building.

Double Fee: Where work for which a permit is required by this code is started or proceeded with, prior to obtaining said permit, the fees above specified shall be doubled but the payment of such double fee shall not relieve any persons from fully complying with requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Reinspection Fee: The fee for each reinspection shall be \$20.00.

Swimming Pool Fee: The following fee shall be charged for permit to install swimming pools—\$25.00.

Siding Permit Fee: The following fee shall be charged for the installation of aluminum, vinyl or wood siding when on repair, remodel or residing on commercial residential buildings—\$25.00

Wrecking Permit Fee: The following fees shall be charged for permits to wreck buildings and structures:

Dwellings, private garages, sheds—\$25.00
Warehouses, factories, stores and office buildings—\$100.00

Moving Permit Fee: The following fees shall be charged for moving building and structures:

All building and structures less than five hundred square feet (500 sq.') in area and less than seventeen feet (17') high when loaded—\$30.00

All buildings over five hundred square feet (500 sq') in area exceeding seventeen feet (17')—\$100.00

Safety Inspections: Structural safety inspections of existing buildings for resale purposes, including a letter listing any corrections needed shall be performed on receipt of a written request and by payment of a fee, payable prior to issuance of said inspection report, of twenty five dollars (\$25.00) for single residential buildings or twenty five dollars (\$25.00) per hour for other buildings.

Refund of Fees: Holders of permits upon which work has not been started may make written application for a refund of fees paid for such permits, provided such application is made and attested before a notary public by the same person or corporation who originally applied for such permit or by the estate of such person or receiver of such corporation within six (6) months of date of issue. Upon verifying the facts in such cases, the director shall refund seventy-five percent (75%) of all fees in excess of five dollars (\$5.00) in such manner as may be directed by the City Controller.

License Fees: The following fees shall be charged for all licenses as called for by this code. All licenses

shall expire on April 30, of each year.

Building Wrecker:
Initial License fee—\$100.00
Annual Renewal Fee—\$20.00

Building Mover Fee:
Initial Fee—\$100.00
Annual Renewal Fee—\$20.00

SCHEDULE B

MECHANICAL INSPECTION FEES JULY 1, 1986

New Construction (Flat Fee)

Single-family dwelling—\$55.00
Two-family or multi-family dwelling (per unit)—
\$40.00
Hotels and Motels (per unit)—\$15.00

All Other Mechanical Work—

To calculate the permit fee, add the fees listed below for each fixture installed or location changed to the base permit fee of \$20.00.

1. Air Conditioner, residential, under 5 HP—\$20.00
2. Air handling unit: thru 10,000 cubic feet per minute (cfm)—20.00
over 10,000 cubic feet per minute (cfm)—25.00
Note: Fee shall not apply to air handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler, or absorption unit for which a permit is required elsewhere in Code.
3. Boiler, condenser, or absorption system:
thru 5 HP—thru 10,000 BTU/hr—25.00
over 5 thru 15 HP—over 100,000 thru 500,000 BTU/hr—32.00
over 15 thru 30 HP—over 500,000 thru 1,000,000 BTU/hr—37.00
over 30 thru 50 HP—over 1,000,000 thru 1,750,000 BTU/hr—42.00
over 50 HP—over 1,750,000 BTU/hr—47.00
4. Cooler, evaporative, other than portable—20.00
5. Duct system, inc appliance vents—1 and 2 family residential, only—15.00
6. Each separate duct or air handling system, insulation, fire suppression systems based on bid price:
Bid price under \$3,000—25.00
Bid price \$3,000 to \$6,999—30.00
Bid price \$7,000 to \$14,999—35.00
Bid price over \$15,000—45.00
7. Free-standing fireplace, wood-burning stove, etc—15.00
8. Furnace or burner: forced air or gravity type, inc. gas piping:
up to and thru 200,000 BTU/hr—15.00
over 200,000 BTU/hr—20.00
9. Furnace or furnace adaptor: solid fuel-burning, inc., wood-burning—20.00
10. Gas piping—15.00
11. Hood, inc. ducts, and fan served by mechanical exhaust—40.00

12. Unit heater, inc. gas piping and vents—18.00
13. Separate vent (B1 vent, chimney lining, all fuel chimneys)—15.00
14. Ventilation system not a portion of any heating or air conditioning system authorized by a permit—15.00
15. Any appliance or piece of equipment regulated by this Code but not classed in other appliance categories or for which no other fee is listed in this Code—each—15.00
16. Each additional rough or final inspection required—20.00
17. Roof-top units—40.00
18. Bath fans—5.00

Other Fee Items

Mechanical safety inspection of existing buildings for resale purposes, including a letter listing any corrections needed, shall be performed upon receipt of a written request and by payment of a fee, payable prior to issuance of said inspection report, twenty five dollars (\$25.00) for single family residential buildings or twenty five dollars (\$25.00) per hour for other buildings.

Refund of Fees: Holders of permits upon which work has not been started may make written application for a refund of fees paid for such permits, provided such application is made and attested before a notary public by the same person or corporation who originally applied for such permit or by the estate of such person or receiver of such corporation within six (6) months of date of issue. Upon verifying the facts in such cases, the director shall refund seventy-five percent (75%) of all fees in excess of five dollars (\$5.00) in such manner as may be directed by the City Controller.

Annual Registration of Mechanical Contractors License—15.00

SCHEDULE C

PLUMBING INSPECTION FEES JULY 1, 1986

New Construction (Flat Fee)

Single-family dwelling—\$55.00
Two-Family or multi-family dwelling (per unit)—
\$40.00
Hotels and Motels (per unit)—\$15.00

All Other Plumbing Work

Replacement of water heater shall be a flat fee of \$20.00

Base Permit Fee—\$20.00

To calculate the permit fee, add the fee listed below for the work to be done, as indicated in application, to the base permit fee of—\$20.00

RESIDENTIAL

1. Water Closet—3.25
2. Bath Tub—3.25
3. Shower—3.25

4. Lavatory—3.25
5. Sink—3.25
6. Garbage Disposal—3.25
7. Dishwasher—3.25
8. Laundry Tub—3.25
9. Automatic Washer—3.25
10. Sump Pump—3.25
11. Floor Drain—3.25
12. Hot Water Heater (40 Gal. or Less)—3.75
13. Hot Water Heater (Over 40 Gal.)—7.25
14. Soil, Waste Piping, Vents and Stacks (3 stories or less)—7.25
15. Soil, Waste Piping, Vents and Stacks (Over 3 Stories)—5.25/Story
16. Water Distribution System 3/4" (Meter Size)—7.25
17. Water Distribution System 1" and Larger (Meter Size)—10.75
18. Gas Piping 3/4" and Smaller—7.25
19. Gas Piping 1" and Larger—8.25
20. Other Fixtures Not Specifically Listed—5.25
21. East Additional Rough or Final Inspection—20.00
22. Cash Iron Back Water Valve—3.25
23. Water Closet—4.25
24. Urinal—4.25
25. Shower Head—2.25
26. Two Compartment Sink or Bar Sink—4.25
27. Three Compartment Sink—5.25
28. Floor Drain—4.25
29. Lavatory—4.25
30. Dental Water Fountain—12.25
31. Water Fountain—7.25
32. Slop sink—4.25
33. Garbage Disposal—4.25
34. Sump Pump—4.25
35. Grease Pump—6.25
36. Dishwashing Machine—10.25
37. Automatic Washer Waste—5.25
38. Acid Waste—12.25
39. Indirect Waste—6.25
40. Sand Trap—5.75
41. Sewage Ejector—10.75
42. Inside Conductor—6.75
43. Hot Water Heater (40 Gal. or Less)—5.25
44. Hot Water Heater (Over 40 Gal.)—10.25
45. Soil, Waste Piping, Vents and Stacks (3 Stories or Less)—10.75
46. Soil, Waste Piping, Vents and Stacks (Over 3 Stories)—7.75/Story
47. Water Distribution System (3 Stories or Less)—
 - 3/4" or Less—7.75
 - 1"—10.25
 - 1 1/2"—15.25
 - 2"—20.25
 - 2 1/2" and Over—25.25
 - Over 3 Story—10.25/Story
48. Back Flow Preventer—3/4"—5.75
 - 1"—7.25
 - 1 1/4"—9.25
 - 1 1/2"—11.25
 - 2"—15.25
 - 2 1/4"—20.25
49. Gas Piping—3/4"—6.75
 - 1"—10.25
 - 1 1/4"—12.25
 - 1 1/2"—15.25
 - 2"—20.25
 - 2 1/4" and Over—25.25
50. Each Additional Rough or Final Inspection—20.00
51. Other Fixtures Not Specifically Listed—10.25

Fees as determined above shall include three (3) inspections.

OTHER FEE ITEMS

Double Fee: Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Plumbing safety inspection of existing buildings for resale purposes, including a letter listing any corrections needed, shall be performed on receipt of a written request and by payment of a fee, payable prior to issuance of said inspection report, twenty five dollars (\$25.00) for single family residential buildings or twenty five dollars (\$25.00) per hour for other buildings.

Refund of Fees: Holders of permits upon which work has not been started may make written application for a refund of fees paid for such permits, provided such application is made and attested before a notary public by the same person or corporation who originally applied for such permit or by the estate of such person or receiver of such corporation within six (6) months of date of issue. Upon verifying the facts in such cases, the director shall refund seventy-five percent (75%) of all fees in excess of five dollars (\$5.00) in such manner as may be directed by the City Controller.

Annual Registration of Plumbing Contractor's License—15.00.

SCHEDULE D

ELECTRICAL INSPECTION FEES JULY 1, 1986

NEW CONSTRUCTION (Flat fee)

- Single-family dwelling—\$55.00
- Two-family or multi-family dwelling (per unit)—\$40.00
- Hotels and Motels (per unit)—\$15.00

ALL OTHER ELECTRICAL WORK

Base Permit Fee—\$20.00

To calculate the permit fee, add the fees listed below for the work to be done, as indicated on the application, to the base permit fee of \$20.00.

- Service: thru 200 amp—10.00
- over 200 amp thru 600 amp—15.00
- over 600 amp—20.00

- Circuits—each—2.00
- Feeders, Bus Ducts, etc.—per 40' or fraction thereof—10.00
- Lighting Fixtures—per 20 or fraction thereof—8.00
- Power Outlets (Includiknjg ranges, dryers, etc.)—5.00
- Dishwasher or Garbage Disposal—4.00
- Electrical Heating Units (baseboard)—4.00
- Furnace or Unit Heater or Heat Pump—5.00
- K.V.A. & H.P. rated equipment:
 - thru 20 K.V.A. or H.P.—10.00

21 thru 50 K.V.A. or H.P.—15.00
 over 50 K.V.A. or H.P.—20.00
 Solar Photovoltaic System (each panel)—4.00
 Mobile Home Sites—10.00
 Signs—6.00
 Fire Alarm:
 thru 10 stations and horns—50.00
 over 10 stations and horns—75.00
 Hourly Fee (minimum of one hour)—20.00
 Additional Inspection Fee—per hour or fraction
 thereof—20.00
 Reinspection—20.00
 Swimming Pool (in ground or above ground)—
 10.00

OTHER FEE ITEMS

Annual Registration of Electrical Contractor's
 License—15.00
 (Owner is a Master Electrician)
 Annual Registration of Electrical Contractor's
 License—17.00
 Master Electrician is not owner)
 Annual Registration of Master's License only—2.00

Electrical safety inspection of existing buildings for resale purposes, including a letter listing any corrections needed, shall be performed upon receipt of a written request and by payment of a fee, payable prior to issuance of said inspection report; twenty five dollars (\$25.00) for single family residential buildings or twenty five dollars (\$25.00) per hour for other buildings.

Refund of Fees: Holders of permits upon which work has not been started may make written application for a refund of fees paid for such permits, provided such application is made and attested before a notary public by the same person or corporation who originally applied for such permit or by the estate of such person or receiver of such corporation within six (6) months of date of issue. Upon verifying the facts in such cases, the director shall refund seventy-five percent (75%) of all fees in excess of five dollars (\$5.00) in such manner as may be directed by the City Controller.

Signed:

SIDNEY WORTHINGTON
 PAT LINDEMANN
 LOUIS ADADO
 Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the draft ordinance on Animal Control reports as follows:

Animal Control is currently under the jurisdiction of Ingham County. The City Attorney has recommended adoption of an animal control ordinance by the City of Lansing, but such action may jeopardize

enforcement within the City by County Officers. The draft Animal Control Ordinance is hereby referred to the Mayor for review and analysis of financial impact to provide effective enforcement. The Committee requests a report within 60 days from the Mayor containing recommendations on animal control legislation and enforcement.

SIGNED:

JAMES BLAIR
 LOUIS ADADO
 TONY BENAVIDES
 Committee on Public Safety &
 Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Councilmember Blair returned to the meeting.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

April 17, 1986

President Benavides and Members
 of the Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public Driver License for Ronald Lee Price that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Price have a Public Driver License under Section 30-5 (1) (H).

Sincerely,

RITA M. BAUMAN,
 City Clerk.

Referred to the Committee on General Services.

April 17, 1986

President Benavides and
 Members of the City Council

Dear Councilmembers:

Attached is a letter from Jan Budden, City Employee, with notice of intent to do business with the City of Lansing. This is submitted in accordance with Sub-section 5-505.1 of the Lansing City Charter.

Sincerely,

RITA M. BAUMAN,
 City Clerk.

Received and placed on file.

April 14, 1986

Council President Benavides and
 Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing

City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's office by the Budget Director. (No. 33 and 34).

Sincerely,

RITA M. BAUMAN
City Clerk.

Referred to the Committee on Ways and Means.

DATE: 4/15/86

TO: City Council President Benavides and
Councilmembers

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application—Capitol Lodge #8

Attached is an application for a parade permit from the above-referenced organization, scheduled for 2:00 PM on Sunday, June 22, 1986, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$22.75, which represents one officer and one vehicle for one hour.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade permit be approved inasmuch as it has been approved by all departments.

Carried.

DATE: 4/18/86

TO: City Council President Benavides and
Councilmembers

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application—American Legion
Boys' State

Attached is an application for a parade permit from the above-referenced organization, scheduled for 8:15 A.M. on Wednesday, June 18, 1986, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$92.25, which represents one Sergeant, three Police Officers and four vehicles for one hour.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade permit be approved inasmuch as it has been approved by all departments.

Carried.

April 14, 1986

Mayor Terry J. McKane
Council President Antonio Benavides,
and City Council Members

Re: Resolution Terminating EDC Project
C & W Development EDC Project

Dear Mayor McKane and Council Members:

At its April 2, 1986 Board of Directors meeting, a resolution was approved terminating the C & W Development EDC project (Copy of resolution attached).

Sincerely yours,

EMERSON B. OHL
Executive Director

Referred to the Committee on Economic Development.

April 14, 1986

Mayor Terry J. McKane
Council President Antonio Benavides,
and City Council Members

Re: Resolution Terminating EDC Project
HTRC EDC Project

Dear Mayor McKane and Council Members:

At its April 2, 1986 Board of Directors meeting, a resolution was approved terminating the HTRC EDC project (Copy of resolution attached).

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Referred to the Committee on Economic Development.

DATE: 4/16/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Transportation Division

RE: Michigan Avenue—Approach to the Capitol

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 4/16/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Transportation Division

Re: Michigan Avenue/Museum Drive Bridge

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/17/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from James Kzeski, Building Safety Director

RE: Request for Public Hearings re:

130 South Eighth
915 Clark Street
1701 South Washington

The attached request for public hearings is being submitted with my concurrence for your action.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the public hearing for the make-safe or demolish of these properties be set for May 19, 1986.

Carried.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-14-86, 1232 Haco Dr.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-11-86, Vacant Parcel West of 1612 David St.

3301-10-226-001

Request to Purchase from City of Lansing

The attached material is submitted with my concurrence. I recommend that you carefully review it and

then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/17/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

Re: ACT-5-86, North Grand River Avenue/
Horsebrook School Overpass

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/17/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-6-86, South Pennsylvania Ave. Overpass

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/17/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-10-86, Alleyway, Block 111

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/17/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-7-86, Newkirk Dr.—Vacate ROW

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/15/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Hugh B. Clarke, Jr.

Re: Traffic Board Resignation—Hugh B. Clarke, Jr.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Transportation Division

Re: Verlinden Avenue: No Parking Tow Away Zone Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Transportation Division

RE: Marcus Street: No Parking Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Transportation Division

Re: Belle Chasse Blvd. and Beaujardin Dr.: Stop Sign Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Transportation Division

RE: Spencer Street: One Hour Parking Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

DATE: 4/17/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Department

RE: Setting Public Hearing for Truth and Taxation
Requirements

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the public hearing for the Truth and Taxation Requirements be set for May 12, 1986.

Carried.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0149

Resolved by the City Council of the City of Lansing:

Whereas, the annual budget process requires input from the citizens of Lansing, and

Whereas, a copy of the budget is on file with the City Clerk and available for review, and

Whereas, the Mayor has recommended an operating tax levy of 11.95 mills due to the anticipated loss of federal funding, operational cost increases, and the City's commitment to economic revitalization; and

Whereas, the Assessor has calculated that the City's base millage rate, after allowing for additions and deletions to State Equalized Valuation subsequent to Board of Review action, and as required by Public Act 5 of 1982, would be 10.1963 mills.

Whereas, separate public hearings on the City's FY 86-87 budget, the Community Development Block Grant allocation and the Capital Improvement budget will be held on the same evening.

Now, Therefore, Be It Resolved that the City of Lansing proposes to restore .0537 mills as necessitated by Public Act 5 of 1982; and

Be It Further Resolved, that the City proposes to increase its operating levy by 1.7 mills, to 11.95 mills; and

Be It Further Resolved, that a public hearing in regard to this proposed rate be set for Monday, May 12, 1986 in the 10th floor City Council Chambers at 7:00 p.m.; and

Be It Further Resolved, that the public hearing for the City of Lansing's 1986-87 budget, including Federal Revenue Sharing, will be held on Monday, May 12, 1986, in the 10th floor City Council Chambers at 7:00 p.m.; and

Be It Further Resolved, that the public hearing for the 12th Year Community Development Block Grant allocation, including re-programmed funds from previous years, will also be held on Monday, May 12, in the 10th floor City Council Chambers at 7:00 p.m.; and

Be It Finally Resolved, that the public hearing for the City of Lansing's 1986-87 Capital Improvements budget will be held on Monday, May 12, in the City Council Chambers at 7:00 p.m.

Adopted by the following vote:

Unanimously.

DATE: 4/17/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence

RE: Public Involvement Process—State Capital Revitalization

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

RESOLUTIONS

RESOLUTION #0150

Resolved by the City Council of the City of Lansing:

That the Lansing Lyric Opera is hereby recognized as a nonprofit service organization in Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES—

RESOLUTION #0151

Resolved by the City Council of the City of Lansing:

Whereas: The City Council desires modifications to the Michigan Avenue Bridge over the Grand River as part of the Approach to the Capitol Project; and

Whereas: The City Engineer has presented three design alternatives for review and recommendations by the Committee on Public Safety and Properties; and

Whereas: The Committee recommends alternate Three (attached) as the best mix of aesthetic and safety considerations;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves Alternate Three (attached) as the design for modifications to the Michigan Avenue Bridge railing, as part of the Approach to the Capitol project; and

Be It Further Resolved, the City Council identifies the bond proceeds for the Approach to the Capitol project as the primary source of funding for the bridge railing modification.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0152

Resolved by the City Council of the City of Lansing:

Whereas the Board of Water and Light has declared a parcel of its property as surplus to its needs and has approved sale of the parcel in accordance with provisions of the City Charter; and

Whereas, the Charter requires additional approval for such sale by at least six members of the City Council; and

Whereas, this matter has been reviewed with Board staff by the Committee on Public Safety and Properties, found to be routine in nature and recommended for approval by the Committee;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the sale of the following surplus real property owned by the Board of Water and Light:

Lot 9, Rockford Subdivision, a part of the N ½ of the NW ¼ of Section 28, T4N R2W, City of Lansing, Ingham County, Michigan.
(West of Michigan Avenue on Mt. Hope)

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0153

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has made nine appointments to the newly-created Greater Lansing Convention/Exhibition Authority Board of Commissioners; and

Whereas, the City Council has already confirmed the appointment of five individuals who are City residential and

Whereas, the Council has been steadfast in its resolve to not confirm the Mayor's nonresident appointees until the Mayor appoints one or more individuals who can represent the hospitality interests in Delta Township on the Authority Board; and

Whereas, the Mayor has withdrawn one of his nonresident appointees and pledges to the Chairperson of the Committee on Public Safety and Properties that a Delta Township resident and/or business person will be appointed;

Now, Therefore, Be It Resolved, the Lansing City Council hereby confirms the remaining Mayor's nonresident appointments to the Greater Lansing Convention/Exhibition Authority Board of Commissioners:

Charles Blockett, 3049 Biber Street, Meridian Township, for a term to expire December 31, 1990'

Donald Hines, 731 Oakwood Drive, East Lansing, for a term to expire December 31, 1987; and

Douglas Griffith, 9874 Braden Road, Haslett, for a term to expire December 31, 1989.

By COUNCILMEMBER LINDEMANN—

That we have Don Hines name voted on separately.

Carried.

The vote for Charles Blockett and Douglas Griffith was adopted by the following vote:

Unanimously.

By COUNCILMEMBER BLAIR—

That we have a roll call vote on Don Hines for the Convention/Exhibition Authority Board of Commissioners.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Blair, Creamer, Schmidt, Worthington—7.

Nays—Councilmember Lindemann—1.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0154

Resolved by the City Council of the City of Lansing:

FCF-2-86
4724 Laurie Lane

Whereas pursuant to Act 28, Public Act of 1977 of the State of Michigan, the Michigan Department of Social Services has notified the City of Lansing of its intent to license an adult foster care family home to provide shelter and care for a maximum of two (2) foster adults upon the premises commonly known as 4724 Laurie Lane more particularly described as:

Lot 2, Kirkwood Hills Subdivision, City of Lansing, Ingham County, Michigan; and

Whereas upon review of the application notice, the Department of Planning and Municipal Development found that;

1. There are no other similar licensed facilities, existing or proposed, within 1,500 feet of this proposed facility,

2. Alterations and repairs are necessary to bring the home up to minimum building and fire codes; and

Whereas the Physical Development Committee of the Lansing City Council, to whom the report of the Department of Planning and Municipal Development was referred has reviewed the report and recommends the issuance of a license subject to the following:

1. Certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed.

Now, Therefore, Be It Resolved that the Council of the City of Lansing hereby recommends the issuance of an adult foster care family home license for the above described premises subject to the following:

1. Certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed; and

Be It Further Resolved that the City of Lansing return the application notice to the Michigan Department of Social Services indicating that this proposed facility is located more than 1,500 feet from another similar facility, existing or proposed; and

Be It Finally Resolved, that a copy of this resolution and copies of the Safety Inspection Report and the report of the Department of Planning and Municipal Development be attached to the notice and returned therewith.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0155

Resolved by the City Council of the City of Lansing:

Whereas, funds have become available from the State of Michigan for special projects in celebration of the State's Sesquicentennial; and

Whereas, the City of Lansing has been awarded \$50,000 for the improving of the approach to the Capitol from these funds; and

Now, Therefore, Be It Resolved that the Lansing City Council does approve the Approach to the Capitol project and does accept the \$50,000 approved for this project by the State of Michigan.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0156

Resolved by the City Council of the City of Lansing:

Whereas, the week of April 20 through April 26, 1986 has been designated as National Volunteer Week; and

Whereas, the City of Lansing has been a governmental unit functioning for over 125 years; and

Whereas, the assistance and cooperation extended by volunteers to the City of Lansing greatly enhances its organization and above-stated functioning; and

Whereas, this is an opportune time for the City of recognize our numerous outstanding citizens for their extraordinary, self-sacrificing contributions.

Now, Therefore, Be It Resolved, that the Mayor and City Council of the City of Lansing, do, hereby, express sincere appreciation to volunteers of the City of Lansing for their input, assistance, and dedication; and

Be It Finally Resolved, that the Mayor and City Council pay special tribute to you, its volunteers and proclaim Friday, April 25, 1986 as City of Lansing Volunteers Day.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0157

Resolved by the City Council of the City of Lansing:

Whereas: The City Council of Lansing is currently reviewing the Mayor's recommended budget for Fiscal Year 1986-1987; and

Whereas: The City Council of Lansing is concerned as to the causes of the rising costs accounting for the Millage increase recommended by the Mayor; and

Whereas: The City Council of Lansing wishes time to review all aspects of the Mayor's recommended budget and to formulate appropriate policy decisions;

Now, Therefore, Be It Resolved that it is the recommendation of the City Council to the extent not otherwise required by collective bargaining agreements, that all permanent full time positions now vacant, or becoming vacant prior to May 19, 1986, shall be held in abeyance and remain unfilled.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0158

Resolved by the City Council of the City of Lansing:

That the following transfers be approved.

\$100 from General Fund-Estimated Revenues

A/C 101-000-000-160

\$100 to Fire Dept.-Citizen Contributions

A/C 101-337-000-956

(Donation from Friendship Manor to Assist the EMS Program.)

\$3,000 from General Fund-Estimated Revenues

A/C 101-000-000-160

\$3,000 to Parks and Recreation-Citizen Contributions

A/C 101-692-000-956

(Donation from Summer Recreation for POHI Children to program leisure activity for physically and otherwise handicapped individuals from the Easter Seal Society of Michigan.)

\$5,000 from General Fund-Estimated Revenues

A/C 101-000-000-160

\$5,000 to Parks and Recreation-Citizen Contributions

A/C 101-692-000-956

(Donation from Michigan Miller's Mutual Insurance Company for Potter Park Zoo-penguin exhibit).

\$258 from General Fund-Reserve for Contingency

A/C 101-941-000-963

\$258 to Admin. Services-Property Management-Equip.

A/C 101-265-000-977

(Purchase of special chair to evacuate a handicapped person from Washington Square Annex in the event of an emergency.)

\$7,500 from Public Service Admin. & Eng.

Wages-Survey and Plans

A/C 101-441-012-706

\$7,500 Public Service-O&M Flood Control Wages-Hourly

A/C 101-445-017-706

(Additional funding due to operation of flood control pumps 3-10-86 to 3-24-86.)

\$35,700 from General Fund-Reserve for Contingency

A/C 101-941-000-963

\$35,700 to City Clerk-Advertising & Publishing

A/C 101-215-000-901

(Review, codification, editing and publishing of ordinances, rules and regulations of the City of Lansing.)

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Providing that Chapter 27 of the Code of Ordinances of the City of Lansing, Michigan, be amended by revising Section 27-35 for the Purpose of revising the schedule of sewerage rates was introduced by Councilmember Creamer read a first and second time by its title and referred to the Committee on Physical Development.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0159

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, April 28, 1986 at 7:00 p.m in the 10th floor Chambers of City Council for the purpose of opposing and/or approving the Ordinance providing that Chapter 27 of the Code of Ordinances of the City of Lansing, Michigan be amended by revising Section 27-35 for the purpose of revising the Schedule of Sewerage Rates.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER LINDEMANN AND BLAIR—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Great Lakes United submitting invoice for Organizational Membership Renewal.

Referred to the President of the City Council.

Letter from Foster, Swift, Collins & Coey regarding ACT-109-86—Alleyway, Block 11 (Alley behind 1st America Bank).

Referred to the Committee on Public Safety and Properties.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0160

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has received proposals for the annual independent audit of the Board of Water and Light for the fiscal year ending June 30, 1986; and

Whereas, the City Council has received a recommendation to accept the proposal submitted by the auditing firm of Touche Ross and Company to conduct the audit at a price not to exceed \$22,970; and

Whereas, the Ways and Means Committee has reviewed the recommendations of City staff recommending selection of Touche Ross and Company;

Now, Therefore, Be It Resolved, that Touche Ross and Company be selected to perform the fiscal year 1986 audit in accordance with specifications approved by the City Council on December 23, 1963, and in accordance with additional specifications approved by this Council and the scope of services as stated in the proposal submitted by Touche Ross and Company on April 14, 1986; and

Be It Further Resolved, that the audit be awarded on a three-year cycle beginning fiscal year ending June 30, 1986, with the understanding the Board of Water & Light will obtain a written proposal each subsequent year from Touche Ross and Company and advise City Council of the merits of continuing with this firm or whether the City Council should solicit new proposals from other auditing firms.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Adding Chapter 21A to consist of Sections 21A-1 through 21A-16 for the regulation of Noise and Noise Producing Activities within the City of Lansing.

Was introduced by Councilmember Lindemann read a first and second time by its title and referred to the Committee on Public Safety and Properties.

By COUNCILMEMBER LINDEMANN—

RESOLUTION -0161

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, May 5, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinance adding Chapter 21A to the Code of Ordinances, consisting of Sections 21A-1 through 21A-16 for the regulation of Noise and Noise Producing Activities within the City of Lansing.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Revitalizing Downtown—the Public Hearing to be held on May 17, 1986 10 a.m. to 4 p.m. in the City Council Chambers.

Jim Foulds, Planning Division spoke regarding citizens, businesses, and individuals to participate in the public hearing and it would be on television Channel 28.

Mayor McKane announced this Friday as Volunteer Day with a reception to be held at the Civic Center.

National Day of Prayer would be held at noon (12 to 12:15) on May 1st in the 10th Floor, Council Chambers of City Hall.

REMARKS BY CITY COUNCIL

Councilmember Belen spoke regarding the Food Bank.

Councilmember Blair reminded residents to not rake debris into the street gutters.

Councilmember Creamer spoke of the problem of motorcyclists still using BWL Property and the noise involved for homeowners.

Larry Randt, 300 E. Cavanaugh, spoke regarding problem of parking on corner of Donald St. and E. Cavanaugh. Stated he could not load his mobile home from across the street.

Robert L. Mitchell, Governor's representative for the revitalization of downtown Lansing, spoke.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:15 P.M.

RITA M. BAUMAN,
City Clerk.

April 21, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

221

Proceedings, April 28, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

April 28, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

PUBLIC HEARING

April 28, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance amending Chapter 27, Section 27-35 for the purpose of revising the Schedule of Sewerage Rates.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed ordinance revision they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for Licenses:

Public Driver, Ronald F. Salmon, James D. Weeks, James D. Williams, Charles David Arntz, John Robert Riverside, Dean C. Campbell, Edward L. Emanuel, Richard C. Miller, Mark R. Sefcik, Steve Corson, Jr.

Rubbish Hauler—Bach Maintenance

Cabaret—West Bank Restaurant & Lounge, Trammpp's

Theatre—Odeon Theatre

Sign Erectors—Van Houten Signs, Inc., Stanley Martin, Kelly D. Terrell.

Building Wrecker—D.L. Kesler Construction, Inc., Wemco Construction.

Limousine Service—Wicker's Limo Service.

Referred to the Committee on General Services.

Claims filed by:

a. Kelleen Edwards, 2404 W. Kalamazoo St., for automobile damaged in accident with Police vehicle.

b. Swink's Floral Farms, 614 Julian, for damages to display at City Market.

Referred to the City Market.

Thank you letter from Richard K. Studley, Michigan State Chamber of Commerce, regarding adoption of resolution for smoking policies in the workplace.

Received and placed on file.

Michigan Liquor Control Commission submits request from Kraus Corporation (A Michigan Corporation) for transfer ownership of 1985 Class C licensed business from Thomas L. Mitchell located at 501 S. Washington Ave.

Referred to the City Clerk and Committee on General Services.

Lyle L. Stephens, President, Special Transportation, Inc. submits letter regarding problems encountered with ordinance for use of "alternating red lights" on busses in transporting special education students and developmentally disabled persons in the City.

Referred to the City Attorney, Committee on General Services and Mayor.

Claude C. Rodgers submits letter of inquiry regarding Volt Energy Commission.

Referred to the Mayor.

Letter from Michigan Municipal League regarding Annual Convention to be held at the Grand Hotel on Mackinac Island, September 18-20, 1986.

Referred to the Mayor and Committee of the Whole.

Doris N. Mann submits letters protesting increase in taxes to fund lost federal revenue sharing funds.

Received and placed on file.

Consumers Power Co. submits notice of hearing being published regarding their Case N. 7830, (Midland) (Step 3B).

Received and placed on file.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Kathy Thelen, 3000 Westwood, spoke regarding Resolution 3b—Horsebrook School Overpass. Petitions concerning the overpass were filed with the Planning Board.

Council President introduced Daniel Arroyo, an 8th grade student from Otto Middle School, who is interested in local government, and his teacher Andrea Rodriguez.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 3a (Installation new Lansing City Limit Signs); 3b (Promotional advertisement appearing in March '86 *Gavel Magazine*); 3c (MI School for the Blind Complex to be historically and/or architecturally significant); 3f (Appointment to Greater Lansing Convention/Exhibition Authority Board of Commissioner—Mrs. Nevenka Dines); 3g1 (Building Board of Appeals Appointment—John NN. Gohlke); 3g2 (Traffic Board appointment—Jesus P. (Jesse) Arambula); 3h1-3h7-(Board Reappointments: Housing Commission—Cynthia Jones; Board of Ethics—John Mertz; Downtown Mall Advisory Board—Grady J. Porter; Board of Water and Light—Sister Mary Janice Belen and E. Lane Jessop; Civic Center Board—Lee W. Hendrickson and Priscilla Lane.); 3i (Resignation from Waterfront Development Board—David W. Swan); 3k (Awarding of \$67,958.00 grant of Juvenile Justice Funds) and 3n (Sidewalk Repair Work).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Public Driver, Ronald F. Salmon, James D. Weeks, James D. Williams, Charles David Arntz, John Robert Riverside, Dean C. Campbell, Edward L. Emanuel, Richard C. Miller, Mark R. Sefcik, Steve Corson, Jr.

Rubbish Hauler—Bach Maintenance

Cabaret—West Bank Restaurant & Lounge, Trammpp's

Theatre—Odeon Theatre

Sign Erectors—Van Houten Signs, Inc., Stanley Martin, Kelly D. Terrell.

Building Wrecker—D.L. Kesler Construction, Inc., Wemco Construction.

Limousine Service—Wicker's Limo Service.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

April 24, 1986

Council President Benavides and
Members of Lansing City Council

RE: Claim of Susan E. Roubal in the amount of \$250.00

Dear Council President Benavides and
Members of Lansing City Council:

On February 27, 1986, Susan E. Roubal, 5635 Wood Valley Drive, Haslett, Michigan, filed a claim for \$250.00 for damage to her car allegedly due to a pothole on westbound Michigan Avenue near Story Oldsmobile in Lansing on February 21, 1986.

The Public Service Department's Operations and Maintenance Division investigated this claim and reported that the pothole was first reported on February 21, 1986 and repaired at 11:45 p.m. on the same day. The City had no prior knowledge of this pothole.

MCLA 691.1403 reads as follows:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency knew, or in the exercise of reasonable diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place." (Emphasis added)

The facts show that the City was not aware of the pothole prior to this complaint. Accordingly, it is recommended that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 24, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Wayne W. Crosby in the amount of
\$130.00

Dear President Benavides and
Members of Lansing City Council:

On March 5, 1986, Mr. Wayne W. Crosby, 709 Samantha, Lansing, filed a claim requesting that the City of Lansing pay \$130.00 for ambulance service by Lansing Mercy Ambulance, Inc. of Lansing.

The Lansing Fire Department reported that on November 25, 1985 at 0230 hours an ambulance was request to respond to an emergency at 709 Samantha Street. The City's ambulances were all out on other emergency calls; consequently, a Mercy ambulance was dispatched. The attached statement to the claim is for \$130.00 on November 24, 1985.

Consistent with the City's past practice in this type of situation, it is recommended that this claim be paid in full.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the Treasurer in the amount of \$130.00 payable to Wayne W. Crosby.

Carried.

April 24, 1986

Council President Benavides and
Members of Lansing City Council

RE: Council claim of Timothy H. Southwell

Dear Council President Benavides and
Members of Lansing City Council:

On January 26, 1986, Timothy Southwell, 4805 W. Pittsburgh Road, Owosso, Michigan, filed a claim for \$306.40 for damage to his car allegedly caused by a manhole cover which he drove over on eastbound Saginaw Street between Grand Avenue and Center Street, Lansing on January 23, 1986.

The Public Service Department's Operations and Maintenance Division investigated this claim and reported that the manhole cover was reported missing on January 23, 1986 and was promptly replaced by the City on the same day. The City had no prior knowledge of this defect in the road.

MCLA 691.1403 reads as follows:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency *knew*, or in the exercise of reasonable diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place." (Emphasis added).

The facts show that the City was not aware of the defect prior to this complaint. Accordingly, it is recommended that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 24, 1986

President Benavides and
Members of Lansing City Council

Re: Cain v City of Lansing

Dear President Benavides and
Members of Lansing City Council:

On August 29, 1985, Mr. Lloyd Cain filed suit for declaratory judgment against the City of Lansing on behalf of the International Union of United Auto, Aerospace and Agricultural Implement Workers of America, Region 1-C. The suit seeks a decision of the City Court that the City should have paid the expenses of reconnecting the Plaintiff's sewer system at its local office at 1010 River Street to the City sewer system when the City separated its sewer in the area. The cost of reconnection, \$1,000.00, was paid by the Plaintiff at the time of reconstruction.

Recently, attorneys for the Plaintiff and the City have explored settlement of this matter. Although the City does have adequate basis to dispute this claim, there is significant risk of an adverse judgment should the matter proceed to trial. Based on that risk and the cost of litigating the matter as opposed to settlement, this office requests authority to settle this cause in an amount not to exceed \$1,000. This office has been advised that settlement in that amount is acceptable to the Plaintiff.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$1000.00 payable to Lloyd Cain on behalf of the International Union of United Auto, Aerospace and Agricultural Implement Workers of America, Region 1C.

Carried.

April 24, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

Attached herewith are signed copies for your approval of "Location Only" for transfer of 1985 Class C License with Dance Permit for John Q's, Inc. to 224 S. Washington from 111 S. Capitol Avenue.

This application will be returned for your "Approval" at a later date.

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on General Services.

April 24, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfer that have been placed on file in the City Clerk's office by the Budget Director. (No. 35 through 38.)

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on Ways and Means.

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Transportation Division

RE: Installation of new Lansing City Limit signs

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 4/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Convention/Visitors Bureau

RE: Promotional advertisement appearing in March
'86 *Gavel Magazine*

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Director

RE: Resolution of Approval to Sell Bonds/\$2,000.00
MI Transportation Fund Bonds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

(Resolution 6A & B on Agenda).

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Building Safety Director

RE: Request for Public Hearing
924 Center St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the public hearing be set for May 27, 1986 for the make-safe or demolition of the property at 924 Center St.

Carried.

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from MI Historical Commission

RE: MI School for the Blind Complex to be historical
and/or architecturally significant.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file with copy to Historic District Commission.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and Councilmembers:

I hereby appoint Mrs. Nevenka Dines to the Greater Lansing Convention/Exhibition Authority's Board of Commissioners and request your review and confirmation.

Mr. Dines was born and raised in Lansing and now resides at 4910 Delta River Dr., in Delta Township. She assisted her late husband in operating Dines Restaurant for 22 years at the location of the new Exhibition Hall. She is currently the president of Dines, Inc., the owner of Dines Gift Shop and the Cedar Village Shopping Center in Grand Ledge.

Mrs. Dines comes highly recommended by Joseph Drolett, the Supervisor of Delta Township and by one of Lansing's Councilmembers. Committed to community involvement, Mrs. Dines is on the Board of Advisors at St. Andrews Orthodox Catholic Church, a member of Lansing General Hospital Auxiliary, a former member of the Lansing Health Foundation Board, past president of Big Sisters, and a member of the Michigan Restaurant Association for many years.

I trust you will give your wholehearted confirmation of Mrs. Nevenka Dines to the Greater Lansing Convention/Exhibition Authority's Board of Commissioners.

Sincerely,

TERRY J. McKane,
Mayor.

(Resoution 3a on agenda).

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of John N. Gohlke to the Building Board of Appeals. This position is At Large and will expire June, 1988.

Mr. Gohlke resides at 3825 Sumpter and is employed by the Ingham County Health Department in Environmental sanitation. Committee to community involvement, Mr. Gohlke is a member of the Michigan Environmental Health Association, the National Environmental Health Association, the Lansing Chapter Juvenile Diabetes Association, the Michigan United Conservation Club, Ducks Unlimited, Inc., and the Lansing YMCA.

I trust you will give careful consideration to the appointment of John N. Gohlke to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on General Services.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Jesus P. (Jesse) Arambula to the Traffic Board. This position is At Large and will expire June, 1986.

Mr. Arambula resides at 1839 Irvington and is employed by Michigan Bell Telephone Company as an engineer and as a Right-of-Way Supervisor. He is President of Lansing Telephone Credit Union Board of Directors, and President of Cristo Rey Church Men's Club. He is also on the Block Grant Committee for Lansing School District and is a member of the Telephone Pioneers of America and of the International Right-of-Way Association.

I trust you will give careful consideration to the appointment of Jesus P. Arambula to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your information the reappointment of Cynthia Jones to the Housing Commission. The term will expire June, 1991.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and reappoint Cynthia Jones to the Housing Commission.

Carried.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of John Mertz to the Board of Ethics. The term will expire, June, 1990.

I trust you will give careful consideration to the reappointment of John Mertz to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the reappointment of John Mertz to the Board of Ethics.

Carried.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Grady J. Porter to the Downtown Mall Advisory Board. The term will expire February, 1990.

I trust you will give careful consideration to the reappointment of Grady J. Porter to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the reappointment of Grady J. Porter to the Downtown Mall Advisory Board.

Carried.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Sister Mary Janice Belen to the Board of Water and Light. The term will expire June, 1990.

I trust you will give careful consideration to the reappointment of Sister Mary Janice Belen to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the reappointment of Sister Mary Janice Belen to the Board of Water and Light.

Carried.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of E. Lane Jessop to the Board of Water & Light. The term will expire June, 1990.

I trust you will give careful consideration to the reappointment of E. Lane Jessop to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the reappointment of E. Lane Jessop to the Board of Water and Light.

Carried.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Lee W. Hendrickson to the Civic Center Board until this Board is dissolved. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Lee W. Hendrickson to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the reappointment of Lee W. Hendrickson to the Civic Center Board.

Carried.

April 24, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confir-

mation the reappointment of Priscilla Lane to the Civic Center Board until this Board is dissolved. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Priscilla Lane to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the reappointment of Priscilla Lane to the Civic Center Board.

Carried.

DATE: 4/23/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from David W. Swan

The attached correspondence is submitted for
your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/23/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Dir. of Building Safety

Re: Trash Assessment for July 1986 Tax Roll
\$6,579.25)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the trash assessment in the amount of \$6,579.25 be placed on the July 1986 Tax Roll.

Carried.

April 23, 1986

President Benavides and City Councilpersons

Dear Council President Benavides and
City Councilpersons:

The City was recently notified that we have been awarded a grant of \$67,958.00 of Juvenile Justice funds. There is no cash match requirement. The funds were applied for October 18, 1985. This project and grant is a result of a sub-committee of the Interagency Coordinating Committee—that has been developed by my office. Their input has been invaluable in the course of the development of this project.

The City of Lansing is the grantee and will contract with the Ingham County Health Department for the project implementation. The services will be provided through the Health Departments Adolescent Center located at Willow Plaza. The program will enable the Center to expand its operation to high risk youth who are dropouts, runaways, adolescent prostitutes, drug abusers, truants and abused children. These funds are mainly for treatment of adolescent prostitutes.

Attached is a suggested resolution for your use in accepting the funds.

Your assistance and cooperation is greatly appreciated.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMAN CREAMER—

RESOLUTION #0162

Resolved by the City Council of the City of Lansing:

Whereas; the City of Lansing applied for Juvenile Justice funds in October of 1985 for a program to assist with the youth problems of dropouts, runaways, adolescent prostitutes, drug abusers, truants and abused children, and

Whereas; the City was notified just recently that our grant was approved, and

Whereas; the amount of the grant is \$67,958.00 and does not require any cash match.

Now Therefore Be It Resolved; the Lansing City Council does accept these funds.

Adopted by the following vote:

Unanimously.

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: Urban Homesteading Program—1601 Herbert

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Resolution 4b on agenda.

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

Re: Urban Homesteading Program—1617 Martin St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Resolution 4a on agenda.

DATE: 4/24/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Director

Re: Sidewalk Repair Work

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 4/23/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Director

Re: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0163

Resolved by the City Council of the City of Lansing:

Whereas, Ronald Lee Price has submitted an application for license as a public driver; and

Whereas, the Office of the Chief of Police has reviewed the application and recommended disapproval in accordance with the provisions of Section 30-5 (1) of the City Code; and

Whereas, the Committee on General Services has examined the report from the Assistant Chief of Police and concurs with the recommendation to disapprove the application;

Now, Therefore, Be It Resolved the Lansing City Council hereby disapproves the application of Ronald Lee Price for license as a public driver; and

Be It Further Resolved upon adoption of this resolution the City Attorney shall notify the applicant of said disapproval and advise him of his right to a hearing under the provisions of Section 30-5 of the City Code.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0164

Resolved by the City Council of the City of Lansing:

Whereas, on March 14, 1986 the Chief of Police recommended disapproval of an application submitted by Michael T. Ashcraft for renewal of an existing public driver's license under the provisions of Section 30-5 (1) of the City Code; and

Whereas, in accordance with Section 30-5 (8) of the Code, the City Council scheduled a hearing before the Committee on General Services on Tuesday, April 14, 1986, and provided Mr. Ashcraft the required 20 days' notice and full disclosure of the reasons for the recommendation of disapproval; and

Whereas, Mr. Ashcraft appeared at the hearing accompanied by his legal counsel and his psychologist, who offered testimony in support of continued licensing of Mr. Ashcraft as a public driver; and

Whereas, Mr. Ashcraft's attorney also presented letters from Mr. Ashcraft's employer and his probation officer that indicate the applicant poses no threat to public safety as a licensed public driver; and

Whereas, the Committee deliberated on the testimony and evidence presented, and determined that Mr. Ashcraft's rehabilitation has great potential for success, that his continued employment as a taxi driver is a key element in his rehabilitation, and that his past offenses do not have a direct correlation to his abilities to provide courteous and efficient service to the public;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the recommendation from the Committee on General Services to approve the application of Michael T. Ashcraft for renewal of his license as a public driver.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER ADADO—

RESOLUTION #0165

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Industrial Plant Rehabilitation District IPR-3-85, at property commonly known as 630 Park Place; and

Whereas, R.J. and Irma Jane Curtiss have applied for an Industrial Facilities Exemption Certificate for renovation of an existing facility at 630 Park Place; and

Whereas, it is necessary to hold a public hearing prior to this Council's taking action on the Curtiss' application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-3-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, May 12, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER ADADO—

RESOLUTION #0166

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Industrial Plant Rehabilitation District IPR-5-85, at property commonly known as 200 N. Larch St.; and

Whereas, Inter State Foods, Inc. has applied for an Industrial Facilities Exemption Certificate for renovation of an existing facility at 200 N. Larch St.; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Inter State Food's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-5-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, May 12, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER ADADO—

RESOLUTION #0167

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Industrial Plant Rehabilitation District IPR-5-85, at property commonly known as 200 N. Larch St.; and

Whereas, Inter State Foods, Inc. has applied for an Industrial Facilities Exemption Certificate for construction of a new facility and purchase of new equipment at 200 N. Larch St.; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Inter State Food's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District IPR-5-85; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, May 12, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0168

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has appointed Mrs. Nevenka Dines to the Greater Lansing Convention/Exhibition Authority Board of Commissioners; and

Whereas, the Committee on Public Safety and Properties has interviewed Mrs. Dines and found her well qualified to serve;

Now, Therefore Be It Resolved, the Lansing City Council hereby confirms the Mayor's appointment of Nevenka Dines to the Greater Lansing Convention/Exhibition Authority Board of Commissioners, for a term to expire on December 31, 1989.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0169

Resolved by the City Council of the City of Lansing:

ACT-5-86

North Grand River Avenue
Horsebrook School Overpass

Whereas the Lansing Planning Division has completed an Act 285 Review of the proposal by the Public Service Department to remove the damaged Horsebrook School pedestrian crossing over North Grand River Avenue; and

Whereas during the course of the review it was established by petition that area residents desire to have the bridge repaired and maintained to provide a safe crossing in the area; and

Whereas it was shown in the review that no other option exists to facilitate safe crossing in the area; and

Whereas the Public Service Department has verified that the cost of repairing the damaged bridge is covered by insurance and that yearly costs to maintain the bridge are negligible; and

Whereas, the Lansing Planning Board, after considering these factors, has recommended that the bridge be repaired and maintained as a pedestrian crossing; and

Whereas, the Committee on Public Safety and Properties concurs with this recommendations;

Now, Therefore, Be It Resolved that the structure known as the Horsebrook School pedestrian overpass shall hereby be repaired and maintained as a pedestrian crossing; and

Be It Further Resolved that the Public Service Department is hereby directed to provide for repairs and maintenance of the structure that may be necessary to effectuate its reopening.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0170

Resolved by the City Council of the City of Lansing:

ACT-6-86

South Pennsylvania Pedestrian Overpass

Whereas the Public Service Department has recommended that the overpass located on South Pennsylvania Avenue at Maplehill be removed and requested that Planning Board to review it under Act 285; and

Whereas, the Planning Board has reviewed this request under Act 285 of 1931 as amended and has determined the following:

A) This overpass is the oldest in the City, which was constructed in 1957.

B) The elementary school that was served by this overpass has been closed for several years and is no longer required by the School District. All public agencies including the School District concurred with the removal.

C) The overpass is in need of extensive maintenance and repair.

D) It receives very limited use by the neighborhood; and

Whereas, the Planning Board has recommended that the overpass be removed; and

Whereas the Committee on Public Safety and Properties has reviewed the recommendations of the Planning Board and concurs therein;

Now, Therefore, Be It Resolved that the City Council of Lansing approves removal of this overpass and that there be no replacement of the overpass.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0171

Resolved by the City Council of the City of Lansing:

ACT-7-86

Newkirk Drive
Vacate Right-of-way

Whereas the property owners of Waverly Park Apartments have requested that Newkirk Drive be vacated; and

Whereas the Planning staff examined this request under Act 285, Public Acts of 1931, and found that the right-of-way was designed to provide a link to future development to the south; and

Whereas the Planning Board agreed with the staff recommendation that this right-of-way not be vacated; and

Whereas the Committee on Public Safety and Properties of City Council has reviewed this matter and concurs with the Planning Board's recommendation;

Now, Therefore, Be It Resolved that the request to vacate Newkirk Drive is denied.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0172

Resolved by the City Council of the City of Lansing:

ACT-11-86

Vacant parcel just west of 1612 David Street
Request to purchase from City of Lansing

Whereas, Eleanor Tracey of 1612 David Street desires to purchase parcel 3301-10-226-001 from the City of Lansing; and

Whereas, the Planning staff has determined, through review under Act 285, Public Act of 1921, that the property is dedicated park land; and

Whereas, the Department of Parks and Recreation

wishes to retain the property because of its strategic location adjacent to Groesbeck Golf Course; and

Whereas the Planning Board, at their regular March 18, 1986 meeting, concurred with the recommendation to retain the property; and

Whereas, the Committee on Public Safety and Properties of the City Council concurs with this recommendation;

Now, Therefore, Be It Resolved by the Lansing City Council that parcel number 3301-10-226-011 be retained by the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0173

Resolved by the City Council of the City of Lansing:

ACT-14-86
1232 Haco Drive

Whereas the Board of Water and Light proposes to purchase the property at 1232 Haco Drive to house utility facilities for production plant maintenance crews, equipment storage, light duty machine repair and operational testing facilities; and

Whereas, the Planning Board has reviewed this request and at a regular meeting of the Planning Board on April 1, 1986, approved the request by a vote of 7 yeas and 1 nay and conditional to the addition of wood slats to the fence on the east property line; and

Whereas the Committee on Public Safety and Properties of the Lansing City Council has concurred with the report of the Planning Board;

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the request by the Board of Water and Light to purchase the property commonly known as 1232 Haco Drive.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0174

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen petition for changes in the parking regulations on Verlinden Avenue;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a No Parking At Any Time—Tow Away Zone on both sides of the 700 Block of Verlinden Avenue from Saginaw Street to the Dead End (including the cul-de-sac).

The following changes will be required in the City Traffic Code:

Delete: No Parking At Any Time on both sides of Verlinden Avenue from Saginaw Street to the Dead End (including the cul-de-sac).

Add: No Parking At Any Time—Tow Away Zone on both sides of Verlinden Avenue from Saginaw Street north to the Dead End (including the cul-de-sac).

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0175

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for changes in the parking regulations on Marcus Street west of Allen Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a No Parking At Any Time zone on the north side of Marcus Street from Allen Street to 120 feet west of Allen Street.

The following changes will be required in the City Traffic Code:

Add: No Parking At Any Time on the north side of Marcus Street from Allen Street to 120 feet west of Allen Street.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0176

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for traffic control at the intersection of Beaujardin Drive and Belle Chasse Boulevard;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a Stop sign on Belle Chasse Boulevard at Beaujardin Drive.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0177

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended

approval of a citizen request for changes in the parking regulations on Spencer Street between West Michigan Avenue and Ottawa Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a One Hour Parking 8:00 a.m.-6:00 p.m. Monday-Friday zone on the east side of Spencer Street from Michigan Avenue to Ottawa Street.

The following changes will be required in the City Traffic Code:

Delete: No Parking 7:00 a.m.-4:00 p.m. School Days on the east side of Spencer Street from Michigan Avenue to Ottawa Street.

Add: One Hour Parking 8:00 a.m.-6:00 P.M. Monday-Friday on the east side of Spencer Street from Michigan Avenue to Ottawa Street.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0178

Resolved by the City Council of the City of Lansing:

Whereas, on June 7, 1984, the City Council approved the City of Lansing's application for the HUD Urban Homesteading Program; and

Whereas, the Development Division inspected several properties referred by the FHA Regional Office; and

Whereas, only one structure was found to be suitable for the City of Lansing's program and that property being located at 1617 Martin Street; and

Whereas, the City held a lottery to determine the potential homesteader for the property located at 1617 Martin Street; and

Whereas, Terry and Tina Olmstead were chosen in said lottery as the potential homesteaders for the property; and

Whereas, the City Charter of the City of Lansing, Michigan, requires that all sales of City properties be approved by City Council;

Now, Therefore, Be It Resolved, that the City Council of the City of Lansing authorizes the Mayor and City Clerk to execute the sale agreement for the homesteading of 1617 Martin Street and further authorizes the sale of 1617 Martin to Terry and Tina Olmstead, subject to the terms and conditions of said agreement and the City of Lansing's Homesteading procedures.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0179

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has entered into an Urban Homesteading Agreement with the Department of Housing and Urban Development; and

Whereas, the Urban Homesteading Procedures approved by the Mayor on April 28, 1983, requires City Council approval to include houses in the program; and

Whereas, the F.H.A. Regional Office has referred one structure to the City of Lansing for inclusion in the program, the structure being located at 1601 Herbert; and

Whereas, Development Division staff has inspected the house and recommends purchasing 1601 Herbert;

Now, Therefore, Be It Resolved, that the City Council hereby approves the purchase of 1601 Herbert utilizing the City's Section 810 fund allocation for said purchase, for inclusion in the City's Urban Homesteading Program.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES AND PHYSICAL DEVELOPMENT—

RESOLUTION #0180

Resolved by the City Council of the City of Lansing:

Whereas, R & A Development Company has proposed to purchase Parcel 12 or Urban Renewal Project No. 1, Michigan R-87; and

Whereas, a public hearing on this proposed disposition of land was held by the Lansing City Council on April 21, 1986; and

Whereas, the Physical Development Committee has reviewed both this proposed disposition and the parking agreement related thereto;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing authorizes the sale of Urban Renewal Parcel 12, Project #1, Mich. R-87 which is legally described as:

Redevelopment Parcel 12, the North 3 feet of Lot 7, all of Lots 8 and 9 of Jones Subdivision of Lots 6 and 7 of Block 97 in the City of Lansing; also the West 44 feet of the South 73 feet of Lot 4, the South 73 feet of Lot 5 and the North 47 feet of the West 10 feet of the East 32 feet of Lot 7, all in Block 97, Original Plat (Town of Michigan), City of Lansing, Ingham County, Michigan.

To the R&A Development Company; and

Be It Finally Resolved that the City Council of the City of Lansing authorizes the Mayor and City Clerk to execute the Contract for Sale of Land for Private Development by and between the R&A Development Company and the City of Lansing, and a Parking Agreement between the R&A Development Company and the City of Lansing, pursuant to the terms and conditions of this approved contract.

Adopted by the following vote:

Unanimously.

MICHIGAN TRANSPORTATION FUND BOND RESOLUTION

City of Lansing
Counties of Ingham and Eaton, Michigan

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on April 28, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Lindemann and supported by Councilman Belen:

Whereas, this City Council does hereby determine that it is necessary to acquire and construct street improvements (the "Improvements") in the City described in Exhibit A, attached hereto and made a part hereof.

Whereas, the cost of the Improvements is estimated to be approximately Two Million Nine Hundred Twelve Thousand Dollars (\$2,912,000); and

Whereas, to finance a part of the cost of the Improvements the City Council deems it necessary to borrow the sum of Two Million Dollars (\$2,000,000) and issue bonds therefor as authorized by the provisions of Act 175, Public Acts of Michigan, 1952, as amended ("Act 175"), the balance of the cost to be defrayed from other funds of the City and grants available therefor; and

Whereas, the Improvements are in accordance with the purposes enumerated in Act 51, Public Acts of Michigan, 1951 ("Act 51"); and

Whereas, the revenues received by the City from the Michigan Transportation Fund pursuant to Act 51, in the year preceding this contemplated borrowing are more than sufficient to comply with all the requirements specified in Section 4 of Act 175.

Now, Therefore, Be It Resolved That:

1. The plans and estimates of cost of the Improvements are hereby approved and adopted.

2. The period of usefulness of the Improvements is estimated to be not less than twenty (20) years.

3 The City Council hereby determines to borrow the sum of Two Million Dollars (\$2,000,000) and issue bonds of the City therefor pursuant to the provisions of Act 175 (the "Bonds"), for the purpose of providing funds to pay part of the cost of the Improvements.

4. The Bonds shall be designated 1986 Michigan Transportation Fund Bonds and shall consist of bonds registered as to principal and interest of the denominations of any multiple of \$5,000 up to the amount of a single maturity. The bonds will be dated as of May 1, 1986 and be payable on May 1st of each year as follows:

1987	\$75,000	1995	\$125,000
1988	75,000	1996	150,000
1989	100,000	1997	150,000
1990	100,000	1998	175,000
1991	100,000	1999	175,000
1992	125,000	2000	200,000
1993	125,000	2001	200,000
1994	125,000		

The Bonds shall bear interest to be determined at public sales but not to exceed ten percent (10%) per annum. The Bonds will be subject to redemption and be payable in the manner set forth in paragraph 9 of this resolution.

5. The bonds shall be executed in the name of the City with the facsimile signatures of the Mayor and the City Clerk and shall bear the actual or a facsimile of the City seal. No bond of this series shall be valid until authenticated by an authorized officer of the transfer agent. The bonds shall be delivered to the transfer agent for authentication and be delivered by him to the purchaser in accordance with instructions from the Director of Finance of the City upon payment of the purchase price for the bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping. The Director of Finance is authorized to select a transfer agent for the bonds.

6. Any bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any bond or bonds shall be surrendered for transfer, the City shall execute and the transfer agent shall authenticate and deliver a new bond or bonds, for like aggregate principal amount. The transfer agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The date of determination of registered owner for purposes of payment of interest as provided in this resolution may be changed by the City to conform to market practice in the future. The principal of the bonds shall be payable at the main office of the transfer agent.

7. To provide moneys to pay the principal of and interest on the Bonds and in accordance with the provisions of Act 175, there is hereby made an irrevocable appropriation of the amount necessary to pay the principal of and interest on the Bonds from the moneys to be derived from State-collected taxes returned to the City for highway purposes, pursuant to law. The Director of Finance of the City is directed, each year that any of the principal of and interest on the Bonds remains unpaid, to set aside in a separate depository account, to be designated 1986 Michigan Transportation Fund Bonds Debt Retirement Fund, sufficient moneys from revenues received during such year from the Michigan Transportation Fund pursuant to law to pay the principal of and interest on the Bonds next maturing. The Director of Finance is further directed to open a separate depository account, to be designated 1986 Michigan Transportation Fund Construction Fund into which bond proceeds less accrued interest and premium, if any, shall be deposited which account shall be used to pay the costs of constructing said street improvements.

8. Pursuant to Act 175, and as additional security for the prompt payment of the principal of and interest on the Bonds there is hereby irrevocably pledged the limited tax full faith and credit of the City, and in the event of insufficiency of funds primarily pledged to the payment thereof, the City covenants and agrees to provide for such insufficiency from such resources as are lawfully available to it.

9. The Bonds shall be in substantially the following form subject to such changes as to ministerial form as may be reasonably requested by the transfer agent:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON
CITY OF LANSING
1986 MICHIGAN TRANSPORTATION
FUND BOND

Interest Rate—
Date of Maturity—
Date or Original Issue—
CUSIP—

Registered Owner:

Principal Amount: Dollars

The City of Lansing, Counties of Ingham and Eaton, State of Michigan promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America on the Date of Maturity specified above, with interest thereon from the Date of Original Issue or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, payable on May 1, 1986 and semiannually thereafter. Principal of this bond is payable at the principal office of xxxx, Detroit, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date. Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the payment date as shown on the registration books of the City maintained by the transfer agent, by check or draft mailed to the registered owner at the registered address.

This bond is one of a series of bonds of even date and like tenor, except as to denomination, rate of interest and date of maturity, aggregating the principal sum of \$2,000,000 issued for the purpose of defraying part of the cost of street improvements in the City in accordance with a resolution duly and regularly adopted by the City Council of said City on April 28, 1986 pursuant to the provisions of Act 175, Public Acts of Michigan 1952, as amended.

Bonds of this issue maturing in the years 1987 to 1996, inclusive are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing in the years 1997 through 2001, inclusive, shall be subject to redemption, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any interest payment date on or after May 1, 1996, at par and accrued interest to the date fixed for redemption, plus a premium, as follows:

2%—of the par value of each Bond called for redemption on or after May 1, 1996, but prior to May 1, 1998;

1%—of the par value of each Bond called for redemption on or after May 1, 1998, but prior to May 1, 2000.

No premium shall be paid on Bonds called for

redemption on or after May 1, 2000.

In case less than the full amount of an outstanding bond is called for redemption the transfer agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the holders of the bonds to be redeemed by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. No further interest payable on Bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided the City has money available for such redemption.

This bond and the interest thereon are payable from the proceeds of State-collected taxes returned to the City for highway purposes pursuant to law, or in case of insufficiency of said fund out of the general funds of the City and the resolution authorizing the bonds contains an irrevocable appropriation of the amount necessary to pay the principal of and interest on this bond and the series of bonds of which this is one from moneys derived from such State-collected taxes so returned to the City for highway purposes which have not been theretofore specifically allocated and pledged for the payment of indebtedness. As additional security the City has pledged its full faith and credit to the payment of the principal of and interest on the bonds. If the payments from the said fund are insufficient to pay the principal of and interest on the bonds, then the City is obligated to make such payments as a first budget obligation from its general funds, including any collections of ad valorem taxes, but the ability of the City to levy such taxes is subject to charter, statutory and constitutional limitations. The City may issue additional bonds payable from said State-collected taxes within the limitations prescribed by law.

This bond is not a general obligation of the State of Michigan.

This bond is transferable only upon the books of the City kept for that purpose at the office of the transfer agent by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolutions authorizing the bonds, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required to be done, exist and happen, precedent to and in the issuance of said series of bonds of which this is one, in order to make them valid and binding obligations of said City, have been done, exist and have happened in regular and due form and time as required by law, and that the total indebtedness of said City, including the series of bonds of which this is one, does not exceed any constitutional, charter or statutory limitation.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

In Witness Whereof, the City of Lansing, Counties of Ingham and Eaton, State of Michigan, by its City Council, has caused this bond to be signed in the name of said City with the facsimile signatures of its Mayor and its City Clerk and a facsimile of the City seal to be imprinted hereon, all as of the first day of May, A.D., 1986.

TERRY J. McKane,
Mayor.
City of Lansing.

And:

RITA M. BAUMAN,
City Clerk.

**FORM OF TRANSFER AGENT'S CERTIFICATE
OF AUTHENTICATION**
Certificate of Authentication

This bond is one of the Bonds described in the within-mentioned resolution.

Transfer Agent

By:

Authorized Representative

Date of Registration:

10. The Director of Finance shall cause notice of sale of the Bonds to be published in the Bond Buyer, New York, New York fixing the date of sale for a regular or special meeting of the City Council occurring at least seven (7) full days after the date of such publication.

11. A copy of this resolution shall be published in The State Journal, Lansing, Michigan, once in full.

12. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 28th day of April, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

Project limits—from the west end of the existing roadway west of Cedar Street extending to the west across Washington Avenue approximately 500 feet. In addition, work will include reconstruction of the island nose at Cedar Street and Edgewood, and construction of a southbound to westbound right-turn lane.

Project Description—construction of a four lane divided highway with curb and gutter and enclosed storm drainage.

APPROACH TO THE CAPITOL

Project Limits—from the west side of Capitol Avenue along Michigan Avenue to the bridge over the Grand River.

Project Description—construction of a new four lane pavement, sidewalks and traffic control devices.

**LAKE LANSING ROAD—HOWE STREET
IMPROVEMENTS**

Project Limits—from US-27 along Howe Street, and Howe Street extended to the Friedland access driveway.

Project Description—construction of a new two lane highway.

AURELIUS ROAD MODIFICATIONS

Project Limits—from north of the Mt. Hope intersection to south of Elizabeth.

Project Description—construction of curbs to reduce number of through traffic lanes to one in each direction. Work will also include appropriate landscaping.

NOTICE OF SALE RESOLUTION

RESOLUTION #0182

City of Lansing
Counties of Ingham and Eaton, Michigan

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on April 28, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: none

The following preamble and resolution were offered by Councilman Lindemann and supported by Councilman Belen:

Whereas, by resolution adopted April 28, 1986 the City Council authorized the issuance and sale of Two Million Dollars (\$2,000,000) 1986 Michigan Transportation Fund Bonds of the City and it is necessary to provide a form of notice of sale of said bonds.

Now, Therefore, Be It Resolved that:

1. The notice of sale for the bonds shall be in substantially the following form:

COUNTIES OF INGHAM AND EATON, STATE
OF MICHIGAN 1986 MICHIGAN
TRANSPORTATION FUND BONDS

Sealed Bids—for the purchase of the above bonds will be received by the undersigned at xxx in the City Hall located at 124 West Michigan Avenue, Lansing, Michigan 48933, on xxx, the xxx day of xxx, 1986, until xxxo'clock xxx.m., Eastern Daylight Time, at which time and place said bids will be publicly opened and read. Bids will also be received simultaneously and publicly opened and read at the Municipal Advisory Council, 1158 First National Building, Detroit, Michigan 48226. The bids will be awarded to the successful bidder no later than xx.m. on that date.

Bond Details: The bonds will be fully-registered bonds of the denomination of \$5,000 each, or multiples up to the amount of a single maturity, dated May 1, 1986, numbered in direct order of registration of transfer from 1 upwards and will bear interest from their date payable on November 1, 1986, and semi-annually thereafter.

The bonds will mature on the 1st day of May of each year in the amounts as follows:

1987	\$75,000	1995	\$125,000
1988	75,000	1996	150,000
1989	100,000	1997	150,000
1990	100,000	1998	175,000
1991	100,000	1999	175,000
1992	125,000	2000	200,000
1993	125,000	2001	200,000
1994	125,000		

Interest Rate and Bidding Details: The bonds shall bear interest at a rate or rates not exceeding 10% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only. All bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the bonds shall not exceed 3 percent per annum. No proposal for the purchase of less than all of the bonds or at a price less than 100% of their par value will be considered.

Principal Redemption: Bonds of this issue maturing in the years 1987 to 1996, inclusive, are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000, of this issue maturing in the years 1997 through 2001, inclusive, shall be subject to redemption at the option of the City, in such order as determined by the City and within any maturity by lot, on any interest payment date on or after May 1, 1996, at par and accrued interest to the date fixed for redemption, plus a premium, as follows:

2% of the par value of each Bond called for redemption on or after May 1, 1996, but prior to May 11, 1998;

1% of the par value of each Bond called for redemption on or after May 1, 1998, but prior to May 1, 2000.

No premium shall be paid on Bonds called for redemption on or after May 1, 2000.

In case less than the full amount of an outstanding bond is called for redemption the transfer agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered

owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the holders of bonds to be redeemed by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. No further interest payable on Bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided the City has money available for such redemption.

Transfer Agent and Registration: Principal and interest shall be payable at xxxx, Detroit, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any change in transfer agent. Interest shall be paid by check mailed to the owner as shown by the registration books of the City on the 15th day of the month prior to any interest payment date. The books will be transferable only upon the registration books of the City kept by the transfer agent.

Purpose and Security: The bonds are to be issued pursuant to the provisions of Act 175, Public Acts of Michigan, 1952, as amended, for the purpose of defraying part of the cost of constructing street improvements in the City of Lansing, and are issued in anticipation of Michigan Transportation Fund (the "Fund") payments from the State of Michigan to be received by the City. The bonds are not general obligations of the State of Michigan. The bonds will pledge the full faith and credit of the City as additional security for payments of the principal and interest thereon. If the payments from the said Fund are insufficient to pay the principal of and interest on the bonds, then the City is obligated to make such payments as a first budget obligation from its general funds, including any collections of ad valorem taxes, but the ability of the City to levy such taxes is subject to charter, statutory and constitutional limitations. The City has the right to issue additional bonds payable from Fund payments within the limitations prescribed by law. The rights or remedies of bondholders may be affected by bankruptcy laws or other creditor's rights legislation now existing or hereafter enacted.

Pending Federal Tax Legislation: On December 17, 1985, the United States House of Representatives passed H.R. 3838, the Tax Reform Act of 1985 (the "Bill"). The Bill has not yet been acted upon by the United States Senate, and therefore is not yet law. However, if the Bill is enacted in its present form, and with a January 1, 1986, effective date, certain provisions thereof would apply to the bonds offered herein. If the City does not comply or is unable to comply with such provisions, the interest on the bonds may be subject to federal and certain State of Michigan taxation. In addition, the Bill imposes taxes upon interest on the bonds in certain situations, if the bonds are held by property or casualty insurance companies.

On March 14, 1986, a joint statement (the "Statement") was issued by the Secretary of the Treasury, and the Chairmen and Ranking Minority Members of the Senate Finance Committee and the House Ways and Means Committee endorsing a postponement of the effective date of certain of the provisions of the Bill to September 1, 1986, with respect to obligations issued for public purposes. No assurance can be given,

however, that the Bill or any amendment or substitute therefor will contain the effective date provisions endorsed in the Statement.

Bond Counsel, Miller, Canfield, Paddock and Stone, has reviewed the Bill and its provisions as they would apply to the bonds, as well as the Statement, and is of the opinion that the Statement applies to the bonds. The City has covenanted that it will comply with requirements of the Internal Revenue Code of 1954 as currently amended. In addition, regardless of the applicability of the Statement, the City will covenant that it will use its best efforts to the extent permitted by law to comply with the provisions of the Bill as well, unless it receives an opinion from Miller, Canfield, Paddock and Stone as Bond Counsel that failure to comply with the provisions of the Bill will not impair the exemption of interest on the bonds from federal or State of Michigan taxation. Further, the City has represented that it believes that it can comply with the provisions of the Bill. Assuming such compliance by the City, Bond Counsel is of the opinion that the enactment of the Bill into law, even in its present form and with its presently stated effective date, should not impair the tax-exemption of the interest on the bonds from federal income or State of Michigan taxation, unless the bonds are held by a property or casualty insurance company.

No assurance can be given, however, that the Bill will not be amended in such a way as to preclude compliance by the City with its provisions, or that other changes will not be made in the Bill, or that other legislation will not be enacted which could adversely impact such tax-exemption. Investors should consult their tax advisor as to the potential impact upon them of provisions of the Bill or other legislation.

Good Faith: A certified or cashier's check in the amount of \$40,000, drawn upon an incorporated bank or trust company and payable to the order of the Treasurer of the City must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the bidder fails to take up and pay for the bonds. No interest shall be allowed on the good faith check and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail.

Award of Bonds: The bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the bonds from xxx, 1986 to their maturity and deducting therefrom any premium.

Legal Opinion: Bids shall be conditioned upon the unqualified approving opinion of Miller, Canfield, Paddock and Stone, attorneys of Lansing and Detroit, Michigan, a copy of which opinion will be printed on the reverse side of each bond, and the original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue their unqualified opinion as to the validity of the above bonds, Miller, Canfield, Paddock and Stone has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accord-

ingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

Delivery of Bonds: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at Detroit, Michigan, Chicago, Illinois, or New York, New York. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of the delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern Daylight Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Accrued interest of the date of delivery of the bonds shall be paid by the purchaser at the time of delivery. Payment for the bonds must be made in immediately available funds. Unless the purchaser furnishes the transfer agent with a list giving the denominations and names in which it wishes to have the certificates issued at least 5 business days prior to delivery of the bonds, the bond will be delivered in the form of a single certificate for each maturity registered in the name of the purchasers.

Change in Tax Exempt Status: If before the bonds are tendered for delivery the interest on obligations of the same type and character as those offered herein shall be declared to be taxable income under federal income tax laws, either by a ruling of the Internal Revenue Service, by a decision of any federal court, or by the term of any federal income tax law enacted subsequent to the date of publication of this notice, the successful bidder may disaffirm and withdraw his bid.

The right is reserved to reject any or all bids.

Envelopes containing the bids should be plainly marked "Proposal for Michigan Transportation Fund Bonds".

RITA M. BAUMAN,
City Clerk,
City of Lansing, Michigan

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 28th day of April, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said

meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0183

Resolved by the City Council of the City of Lansing:

That the following transfers be approved.

1) \$6,000.00 from Property Management Utilities—
City Hall

A/C 101-265-001-920

3,400.00 from Property Management Utilities—

Washington Sq. Annex

A/C 101-265-002-920

9,400.00 to Admin. Services Property Management
Unscheduled Maintenance

A/C 101-265-002-931

(Installation of grounding circuits for City Hall &
Police Bldg. elevators to correct potential safety
hazard.)

2) \$475.00 from Estimated Revenues

A/C 101-000-000-160

475.00 to Parks & Rec. Dept. Admin. Div. Citizens'
Contributions

A/C 101-692-000-956

(Donation from Fraternal Order of Police to purchase
T-shirts and hats for the Midget Baseball program).

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and
eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

By COUNCILMEMBERS CREAMER AND
LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the pur-
pose of presenting items that are not listed on the
agenda.

Letter from Lansing's Neighborhood Council regard-
ing Community Development Block Grant Expen-
ditures.

Referred to Committee on Physical Development.

Councilmember Lindeman introduced the attached.

Budget Transfer of funds for purchase of Midget
Baseball T-Shirts and asked that the transfer take
place.

REQUEST FOR APPROPRIATION

Amount Requested \$680.00

Reason for Request—Donations from Lingg Brewer
(\$180) and Midway Optimist (\$500) for purchase of
Midget Baseball T-shirt and hats.

To Account #—Parks and Recreation Dept. Parks,
Administration, Citizen's Contributions—#101-692-
000-956

Transfer In—\$8,403.20

Net Appropriation—\$8,403.30.

Amount Requested—\$680.00

Brief status of work/activity scheduled to be done
from this account—(101-000-000-675).

From Account—Estimated Revenues—#101-
000-000-160

Original Budget—N/A

Requested by:

P. DORLAND,
Asst. Director, Parks & Rec.

APPROVED:

JANET LAZAR,
Budget Director.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Day of Prayer, Thursday, May 1, 1986.

Vehicle Auction, Saturday, May 3, 1986.

May 17, 1986, 10:00 a.m., Saturday, the Mayor's
Task Force Downtown Development Committee and
State Committee would answer questions via tele-
phone regarding the Development Downtown.

Announced street closures for the coming week.

Remarked that Channel 28 would be showing an up-
date from the Public Service Department entitled
"Your Dollars At Work" each week following the
City Council Meeting.

REMARKS BY THE CITY COUNCIL

Councilmember Adado asked that the road condi-
tions on Rockway be checked and remarked that the
parkway along Glenbrook had not been restored since
street construction last year.

Also remarked on the proposed fee increase for
User Fees of Parks and Recreation programs in the
current Budget.

Councilmember Schmidt asked that sidewalks in

Second Ward be looked at for repairs.

Councilmembers Blair and Worthington remarked on the proposed Parks and Recreation fee changes in the Budget.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:10 P.M.

RITA M. BAUMAN,
City Clerk.

April 28, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

241

Proceedings, May 5, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

May 5, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

PUBLIC HEARING

May 5, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance adding Chapter 21A to the Code of Ordinances, consisting of Sections 21A-1 through 21A-16 for the regulation of Noise and Noise Producing Activities within the City of Lansing.

The Council President will announce that if anyone present had any suggestions or objections to make to the proposed Ordinance they would have the privilege of speaking at this time.

Speakers offering to work with the Committee were:

Jim Jordan, representative of the Lansing Regional Chamber of Commerce spoke.

Larry Meirs, Universal Steel.

Frank Fowler of Buick-Oldsmobile-Cadillac.

Bill Mitchell—Melling Forge.

Jim Anderton—Summit Steel.

James Panetta, 1004 Hapeman spoke in support.

Al LeBlanc, 2021 Cumberland Road.

Rick Kibbey, 300 Shepard, representing the Eastside Neighborhood Association.

Referred to the Committee on Public Safety and Properties.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Driver—Bruce R. Gnegy, Francis W. Miller, Kenneth W. Green, Frederick E. Dedow, Shannon T. Love, Earnest C. Beatty, Harry G. Letts, Jr., Robert W. Bogan, Glann E. Miller, Robert L. McGruder, Bud R. Hollingsworth.

Mechanical Amusement Decice—Gino's Bar, New Art Theatre of Lansing, Casa Nova, Moriarty's Pub, Wagners, Inc., Meena's Deep Freeze, Korner Mart, Westside Pool Hall.

Peddlers—Robert A. Hubbard and Boyd J. Pierce.

Automobile Wrecker Service—Mac's All Car Service, Davis Pontiac, All Auto Service, Eugene D. Hetherington.

Beer and Wine Carry-Out—Quality Dairy, 2100 N. Larch St.

Second Hand Dealer—Pennell Sale's Inc., Wilcox Trding Post. Barnard Mfg. Co., Inc.

Auctioneers—Rick Watts, John Ford, Lloyd Braun, Paul Cuskaden, Paul Cuskaden, Jr. and David Taylor.

Ice Cream Peddler—Mister Jolly Ice Cream.

Sign Erectors—Johnson Sign Co., Inc., Hager Fox Co., Port City Neon Sign Co. Ins.

Building Wrecker—Beaver Lumber & Wrecking Co.

Referred to the Committee on General Services.

Attorney Hugh B. Clarke, Jr. filed Notice of Claim

by Robert Halmich against the City of Lansing, Lansing Police Department and Detective Owen Deatrack for damages arising out of false arrest.

Referred to the City Attorney.

Claims filed by:

a. Gary S. Cirilli, 6042 Winterset, for automobile damaged by golf ball hitting right front fender while at Groesbeck Golf Course.

b. Vincent Wm. Lawrence, East Lansing, MI for shattered windshield on automobile from golf ball while parked at Groesbeck Golf Course.

c. Rhonda Spooner, 120 S. 8th St., for automobile damaged from pot holes at Clippert/Sellers St.

d. Ida Ann Reid, 3520 Loveside Terrace, for automobile damaged by wind-blown sign while parked at Senior Parking Lot at Civic Center.

Referred to the City Attorney.

David Hector, 1547 Roosevelt St., submits request for council hearing regarding Public Driver License Application.

Referred to the Committee on General Services.

Petitions filed for construction of sidewalk on the south side of N. Grand River Avenue from Culver St. east to the intersection of W. North Street (S-1-86).

Referred to the Mayor.

Petitions filed protesting unsightly condition of lot on the Southwest corner of S. Washington and Hein Ave.

Referred to the Mayor and Committee on General Services.

Marie Stolnacke, 930 Mahlon St., submits letter regarding poor condition of building used for North Unit Boys and Girls Club.

Received and place don file.

Shirley A. Reniger submits letter regarding 2nd annual art competition "North Lansing and Me".

Received and placed on file.

Letter from Clarence Rosa regarding the proposed construction of office building downtown by Martin Properties and Frandorson Properties.

Referred to the Mayor and Committee on Physical Development.

Notice of revised schedule for lowering of the Grand River submitted by the Board of Water and Light.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Communication and Petition #6 (Condition of lot of Southwest corner of S. Washington and Hein Ave.); Mayor's letters 3b (Urban Homesteading); 3c (Green Oaks Development Plan for 1986); 3d (Thank you for "Food for Fines Week" proclamation during National Library Week); and 3e (Demolition Approval—1110 Prospect).

Mayor McKane presented the following Proclamations—

"Days of Remembrance" was presented to Sheldon Geller of MSU B'Nai B'Rith.

and "AT&T Operator Appreciation Week" was presented to Miss Randolph and Miss Perry, Long Distance Operators.

PROCLAMATION

Whereas, from 1933 to 1945, six million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people perished as victims of Nazism; and

Whereas, the people of the atrocities committed by the Nazis so that such horrors never be repeated; and

Whereas, the people of the City of Lansing should continually rededicate themselves to the principle of equal justice for all people; and

Whereas, the People of the City of Lansing should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

Whereas, May 6 has been designated pursuant to an Act of Congress and internationally as a Day of Remembrance of Victims of the Nazi Holocaust known as Yom Hoshoh; and

Whereas, it is appropriate for the people of the City of Lansing to join in the international commemoration.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, proclaim the week May 6-May 11, 1986, as:

"DAYS OF REMEMBRANCE"

and urge all citizens to join with me in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance and resistance.

Given under my hand and the Seal of the City of Lansing this eighteenth day of April in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY M. MCKANE.
Mayor.

PROCLAMATION

Whereas, AT&T operators daily perform a valuable service to our community, processing local and long distance calls and assisting customers on emergencies; and

Whereas, their personal and professional commitment is to provide the same quality service to every

customer 24 hours a day, every day; and

Whereas, the AT&T operator can be depended upon whether there is inclement weather or a disaster situation; and

Whereas, in tribute to over 100 years of continuous service, AT&T is recognizing their contributions the week of May 4, 1986.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me do hereby proclaim the week of May 4, 1986, as:

"AT&T OPERATOR APPRECIATION WEEK"

In Lansing and urge all citizens to join with me in recognizing the services of these dedicated women and men.

Given under my hand and the Seal of the City of Lansing this twenty-ninth day of April in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. MCKANE,
Mayor.

REPORT OF COMMITTEE

The Committee on General Services approves the following licenses and bonds:

Public Driver—Bruce R. Gnegy, Francis W. Miller, Kenneth W. Green, Frederick E. Dedow, Shannon T. Love, Earnest C. Beatty, Harry G. Letts, Jr., Robert W. Bogan, Glenn E. Miller, Robert L. McGruder, Bud R. Hollingsworth.

Mechanical Amusement Decice—Gino's Bar, New Art Theatre of Lansing, Casa Nova, Moriarty's Pub, Wagners, Inc., Meena's Deep Freeze, Korner Mart, Westside Pool Hall.

Peddlers—Robert A. Hubbard and Boyd J. Pierce.

Automobile Wrecker Service—Mac's All Car Service, Davis Pontiac, All Auto Service, Eugene D. Hetherington.

Beer and Wine Carry-Out—Quality Dairy, 2100 N. Larch St.

Second Hand Dealer—Pennell Sale's Inc., Wilcox Trading Post. Barnard Mfg. Co., Inc.

Auctioneers—Rick Watts, John Ford, Lloyd Braun, Paul Cuskaden, Paul Cuskaden, Jr. and David Taylor.

Ice Cream Peddler—Mister Jolly Ice Cream.

Sign Erectors—Johnson Sign Co., Inc., Hager Fox Co., Port City Neon Sign Co. Ins.

Building Wrecker—Beaver Lumber & Wrecking Co.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

April 24, 1986

President Benavides and Members
of the Lansing City Council

Dear President Benavides and
Members of City Council:

On February 10, 1986 Donald R. Killeen, 5194 Cur-tice Road, Mason, Michigan, filed a claim in the amount of \$42.53 for damage to his vehicle allegedly due to hitting a pothole at the corner of Logan and Reo Roads in Lansing on February 1, 1986.

The claim was investigated by the Public Service Department which indicated to this office that a complaint of a pothole at that location was reported directly to that City Department on February 1, 1986. The Department stated that it had no knowledge of the pothole prior to this complaint. It also indicated that due to the freeze thaw cycles in the pre-spring season, very rapid pavement break up occurs. The Department also stated that potholes are repaired as soon as they are reported.

MCLA 691.1403 reads as follows:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency *knew*, or in the exercise of reasonable diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place." (emphasis added)

The above facts indicate that the City was not aware of the pothole prior to this complaint. Accordingly, it is recommended that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

April 23, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Robert Heinig, Sr.

Dear President Benavides and
Members of City Council:

Mr. Robert Heinig, Sr., 3130 Delta River Drive, Lansing, Michigan, filed a claim on March 31, 1986 for damage done to his residential mailbox by a City snowplow on February 7, 1986.

This claim was investigated by the Public Service Department which confirmed the claimant's allegation that this mailbox had been damaged by a City snowplow on February 7, 1986. The Operations and Maintenance Division of that Department will repair the post and mailbox as soon as possible. Consequently, the issue of whether to reimburse the claimant is moot. No further action by the Council is needed at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

April 30, 1986

Council President Benavides and
Members of the Lansing City Council:

Attached herewith is an application for Public Driver License for Theodore Henry Longdo, 419 North Pennsylvania Ave., Lansing, MI that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Longdo have a Public Driver License under Section 30-5(1)(e).

Sincerely,

RITA A. BAUMAN,
City Clerk.

Referred to the Committee on General Services.

DATE: 5/1/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

Re: Urban Homesteading Program—324 Isbell

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/1/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

Re: Green Oaks Development Plan 1986

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Development.

DATE: 4/29/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Lansing Public Library

RE: Thank you for "Food for Fines Week" proclamation during National Library Week.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 4/25/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Building Safety Div.

RE: Demolition Approval—1110 Prospect

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on General Services.

RESOLUTIONS

RESOLUTION #0184

By COMMITTEE ON GENERAL SERVICES—

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has appointed Mr. John N. Gohlke to the Building Board of Appeals; and

Whereas, the Committee on General Services has interviewed Mr. Gohlke and found him well qualified to serve;

Now, Therefore, Be It Resolved, the Lansing City Council hereby confirms the Mayor's appointment of John N. Gohlke to the Building Board of Appeals, for a term to expire June 1988.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0185

Resolved by the City Council of the City of Lansing:

That the request from John Q's, Inc., for transfer location of 1985 Class C license with Dance Permit located at 111 S. Capitol, Lansing, Michigan, to 224 S. Washington, Lansing, Michigan, Ingham County, be approved.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Providing for the Repeal of Chapter 31 containing Sections numbered 31-1 through 31-188 of the Code of Ordinances, City of Lansing, Michigan and declaring the same to be null and void and of no effect.

Providing that a new Chapter 31 be added to the Code of Ordinances for the purpose of adopting the Michigan Uniform Traffic Code as modified were introduced by Councilmember Worthington read a first and second time by their title and referred to the Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0186

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, May 19, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the following ordinances:

Providing for the Repeal of Chapter containing Sections numbered 31-1 through 31-188 of the Code of Ordinances, City of Lansing, Michigan and declaring the same to be null and void and of no effect.

Providing that a new Chapter 31 be added to the Code of Ordinances for the purpose of adopting the Michigan Uniform Traffic Code as modified.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBERS BELEN, CREAMER AND SCHMIDT—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

May 2, 1986

President Tony Benavides and
Members of the Lansing City Council

Dear President Benavides and Council Members:

At their April 2, 1986, Special Meeting, the Lansing Housing Commission evaluated and subsequently

determined a need to act on the financial survival of Lansing's Public Housing Programs. The Commission's commitment to the provision of safe the decent housing for Lansing's low-income families and senior citizens is seriously jeopardized by aging housing stock which needs rehabilitation and decreasing federal funding required to address the problem.

The Lansing Housing Commission has directed me to pursue an exemption form the 10% Payment in Lieu of Taxes (PILOT), specifically based upon the following: 1) The Commission has maintained and operated rental properties for the past twenty years with a turnover rate and its impact creating an increased need for larger rehab expenditures. Given the Housing Commission's clientel, physical abuse to property is taking a toll which cannot be overcome with shrinking subsidy dollars; and 2) Recent Congressional budget action (Gramm-Rudman), as well as the current administration's overall lowered Public Housing Committees, ensures the operating subsidies and special project funding will be affected in the long term.

Lansing's Public Housing Program is not alone in this problem—Flint, Saginaw, Pontiac and Grand Rapids are among those who have been forced to request such PILOT exemptions from their local governments. The Lansing Housing Commission has been able to endure this situation longer than these agencies. However, like these agencies, the Commission must seek the exemption to survive now.

The Lansing Housing Commission is requesting that the Lansing City Council adopt an affirmative position regarding the exemption for Payment in Lieu of Taxes (PILOT) so our commitment to the successful, qualitative service offered Lansing's low-income families can continue.

I have attached a Resolution, passed by the Lansing Housing Commission at their April 8, 1986, Regular Meeting, which officially states our financial crisis and requests exemption from PILOT.

Should you and Members of the City Council have any questions, both I and Members of the Commission will be available to meet and discuss our request.

Sincerely,

WALTER NORRIS, JR.
Executive Director
Lansing Housing Commission

Referred to the Committee on Ways and Means.

May 5, 1986

Mayor Terry J. McKane
City of Lansing

Dear Mayor McKane:

Currently the City of East Lansing is considering a request to rezone a parcel of property located directly east of Red Cedar Golf Course. This has been placed on the agenda for action at their Tuesday, May 6, 1986 meeting.

It is the developers intent to use Red Cedar Golf Course for storm water run-off. The city has however not had the opportunity to study the impact of this plan with regard to flooding, added maintenance, sewer capacity, etc.

I am requesting the city ask that East Lansing delay any action on this matter until these issues have been studied by our City Engineers and Park staff. Apparently there were earlier delays while the issues of flooding and sewers were examined by other adjacent property owners. Reports addressing this concern were developed but not brought to our attention until today.

Since the East Lansing Council is considering this rezoning at their meeting of May 6th, a request for delay in their action would need to be acted upon by Lansing's City Council tonight.

Thank you.

Sincerely,

DOUGLAS FINLEY,
Director
Parks and Recreation Department

By COUNCILMEMBER BELEN—

In reference to this letter that we adopt a resolution and present it tomorrow to the East Lansing City Council asking them to hold up on rezoning this property directly east of the Red Cedar Golf Course until we have a chance to study it.

Carried.

By COUNCILMEMBER BELEN—

RESOLUTION #0187

Resolved by the City Council of the City of Lansing:

Whereas, the U.S. Department of Housing and Urban Development has advertised the availability of the property located at 826 Prospect on April 28, 1986; and

Whereas, the Green Oaks citizen group which is currently developing a plan for its neighborhood has requested that the property located at 826 Prospect be acquired by the City of Lansing, with the subsequent demolition of the structure located thereon and the splitting of the land for sale to adjacent property owners; and

Whereas, in order to acquire the property located at 826 Prospect the City must submit its bid to HUD on or before May 8, 1986;

Now, Therefore, Be It Resolved by the City Council of the City of Lansing that the Mayor and City Clerk be and are hereby authorized to submit a bid to acquire the property located at 826 Prospect by means of executing a "Standard Retail Sales Contract" (Form HUD-9548) at an amount not to exceed HUD's current estimate of fair market value, provided that the bid shall include a contingency that allows the City to withdraw its bid if an appraisal to be obtained by the City at its expense within sixty (60) days of May 8, 1986, fails to support HUD's current estimate of fair market value or the bid amount; and

Be It Further Resolved by the City Council of the City of Lansing that any transfer of funds necessary to implement the acquisition and demolition of the property located at 826 Prospect shall be handled as Administrative Transfers.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

RESOLUTION #0188

Resolved by the City Council of the City of Lansing:

Whereas, the Area Coordinators of the Lansing Neighborhood Watch Program has requested permission to use a pavilion at Francis Park as the site for their July 1986 meeting; and

Whereas, existing City policy on co-sponsorship of events in City parks required advance City Council approval to permit the waiver of fees; and

Whereas, the City Council supports the Neighborhood Watch Program and its participants, and encourages city-wide activities to promote the exchange of ideas;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves co-sponsorship of the July 1986 Neighborhood Watch Area Coordinators' Meeting to be held at Francis Park on a date to be arranged; and

Be It Further Resolved fees and charges for use of a pavilion at Francis Park in conjunction with said event are hereby waived.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0189

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has existed as an incorporated governmental unit for 126 years; and

Whereas, the effectiveness of a government in serving its citizens is totally dependent on the skill and dedication of the government's employees; and

Whereas, Lansing citizens have been fortunate to receive the services of a highly-skilled and sincerely dedicated corps of career employees; and

Whereas, it is appropriate for the government of the City of Lansing to publicly recognize and thank those who have devoted so much of their lives to this community;

Now, Therefore, Be It Resolved the Lansing City Council hereby extends heartfelt appreciation to each one of the 558 City of Lansing Retirees; and

Be It Further Resolved the members of City Council, on behalf of all the Citizens of Lansing, send wishes for a long, happy and healthy retirement to each Honored Guest at the Special Retiree Recognition Dinner of June 17, 1986.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Successful Car Auction was held last Saturday.

Reconstruction of Hazel St. began today (from Cedar to Pennsylvania).

Street closings for the week were announced.

REMARKS BY THE CITY COUNCIL

Councilmember Adado asked about the Willard Street construction. (When it would commence again.)

Also questioned the Baker Street construction as to when it would be finished.

Remarked on the Budget wrap-up and stated that City Council had acted responsibly.

Councilmember Schmidt reminded the listening audience to watch Channel 28 after the meeting to view "Your Tax Dollars At Work" by the Public Service Department, and remarked on the lowering of the street to raise the distance for the height of the bridge near Potter Park on Pennsylvania Ave.

Councilmember Creamer asked when this construction would take place.

Council President Benavides introduced Victor Hinojosa, 8th Grade Student from Otto Middle School who is interested in local politics and his teacher Andrea Rodriguez.

Scott Walker, 2832 Greenbrair Avenue, thanked City Council for their recent budget action and cutting out the helicopter from the budget.

Mary Reynolds, 310 Crest St., spoke regarding the need for the helicopter to be funded, vacancies in the Police Dept. needing to be filled, and clarification for the millage increase.

Al Schaible, 2401 Delta River Drive, spoke in support of the Police Helicopter program.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:30 P.M.

RITA M. BAUMAN,
City Clerk.

May 5, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

249

Proceedings, May 12, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

May 12, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of April 7, 1986 be approved and Carried.

PUBLIC HEARING

May 12, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for R.G. and Irma Jane Curtiss, 630 Park Place for renovation of an existing facility.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed Industrial Facilities Exemption Certificate they will have the privilege of speaking at this time.

R. G. Curtiss, owner of building, spoke.

Referred to the Committee on Economic Development.

May 12, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Inter State Foods, Inc., 200 N. Larch Street, for renovation of an existing facility.

The Council President will announce that if there is anyone present who has any suggestions or objections

to make to the proposed Industrial Facilities Exemption Certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

May 12, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption Certificate for Inter State Foods, Inc., 200 N. Larch Street, for new facility and new equipment.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed Industrial Facilities Exemption Certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

May 12, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 417 No. Butler St.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish property they will have the privilege of speaking at this time.

C. C. Horn, Perry, Michigan, spoke regarding the renovation started on the property to fix it up.

Referred to the Committee on General Services.

May 12, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolish property located at 1038 No. Cedar St.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolish property they will have the privilege of speaking at this time.

C. C. Horne, Perry, Michigan, spoke regarding property not being worth repair.

Referred to the Committee on General Services.

May 12, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed City of Lansing Fiscal Year 1986-87 Budget including Federal Revenue Sharing, Community Development Block Grant Allocation, Capitol Improvements Budget and Increased Property Taxes.

The Council President will announce that if there is anyone present who has any suggestions or objections to make to the proposed FY 86-87 Budget they will have the privilege of speaking at this time.

Those speaking on the FY 86-87 Budget and in favor of keeping the helicopter unit were:

Charles H. Mitchner, 2216 Pamela Place.
Jay Whitney, 901 Bates St.
Paula Backus, 815 Edison Ave.
Jane Simpson, 2011 Peggy Place
Ruth Heuer, 111 Garden St., also funding needed for Neighborhood Council
Priscilla Holmes, 220 Reo Ave., funding needed for Neighborhood Council
Randolph Doley Jr., 5413 Catalpa Dr. funding needed for Neighborhood Council.
Beverly Miller, 413 Pearl St., funding needed for Neighborhood Council
Terrance Lee Siegrist, 3916 Calvin, not in favor of raise in parks fees.
Tom Croff, 210 Syringa—also to keep CDBG Funds for their business area.
Ron Thelen, Delta Twp.
Tom Sheridan, Jr., 926 W. Saginaw—also keeping CDBG Funds for their area.
William E. Joy, 926 W. Saginaw—also keeping CDBG Funds for their area
Gloria McCoy, 4805 W. Willow—also keeping CDBG Funds for their area.
Dick Scheel, 2300 Stirling Ave.
Gary Sailor, 512 N. Clemens
Mary Haney, 403 E. Grand River
Scott Walker, 2832 Greenbriar
Cleo Wright, 1214 Center Street
Esther D. Fenley, 601 Samantha
JoAnn Sierra, 559 Samantha
Gregory R. Vinton, 112 W. Larrabee, Lansing Police Dept.
Greg Forbis, Lansing Police Dept. Helicopter Pilot
Ernestine McMullen, 3411 Viola St.—also spoke regarding Walk against Drugs to be held May 22, 1986.

Leonard McConnell, 3718 Startlight
Neil Park, 1000 W. Saginaw spoke regarding keeping CDBG Funds in Business area.

Mark Cosgrove, 2331 Provincial House Dr., spoke and presented letter regarding possible service agreement for rental of helicopter from Intercept Air Helicopter Services.

Thomas Donaldson, 126 Horton St., spoke in support of Neighborhood Council Funds but was not in favor of keeping Helicopter Unit nor for raise in fees for Parks projects, swimming, ball playing, etc.

Rick Kibbey, President of Eastside Neighborhood Organization presented letter in support of funding for Lansing's Neighborhood Council.

Petitions presented to keep funding for Helicopter Program.

Referred to the Committee of the Whole.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Dan Stump spoke regarding two grading easements needed on BWL property by Village of Dimondale.

Tina David, 3614 Wainwright spoke regarding Communication #12—"Just Say No" walk against drugs to be held May 22, 1986.

Councilmember Blair wanted the Communication from Intercept Air presented at the public hearing for the Budget referred to the Committee on Public Safety and Properties.

Councilmember Blair moved for a 5-minute recess of Council. (Council recessed at 8:20 p.m. and reconvened at 8:30 p.m.)

COMMUNICATIONS AND PETITIONS

The following application and bonds have been submitted for licenses:

Rubbish Hauler—Harte Enterprises.

Mechanical Amusement Devices—Buzz's Bowling Lounge, Inc.; Jimmy G's Riverfront Saloon; Sholty's Bar; Irish Pub; Ground Round; Starr's Black & Tan; Holiday Inn South; Bootlegger's; Marts Inc.; Silvio's Lounge; Joe Covello's Lounge, Inc.; Metro Bowl, Inc.; Pro-Bowl, Inc.; Jim & Gail's Place, Inc.; Milo's Taverna; Green House; Holiday Lanes; Coscarelli's Restaurant & Lounge; Corey's Lounge; Pappy's Pizzeria; Scofes Restaurant & Lounge, Inc.; B & B Tapp Room; Capitol Park Hotel; Tommy's Bar.

Public Drivers—Ernest E. Walker, Brian P. Ferguson,

Cabaret—Unicorn Tavern.

Wrecker Service—Bill's Heavy Duty Wrecker Service, Inc.; Stowe Bros.; Wood's Okemos Shell, Inc.; Northside Service.

Auctioneer—Arthur Good.

Building Wrecker—Ace Wrecking.

Second Hand Dealer—Suarez TV and Electronics.

Building Movers—C.L. Davis and Son Housemoving.

Referred to the Committee on General Services.

Suit filed in 30th Judicial Circuit Court by Robert and Lisa Scriver v City of Lansing for injuries sustained by Robert Scriver while walking on a city street.

Referred to the City Attorney.

Claims filed by:

a. Rev. Dr. Gary W. Cowall, 2122 Cogswell, for insurance deductible for replacement of automobile windshield shattered by golf ball while driving by Waverly Golf Course.

b. Neil Blom, 1008 Hickory, for veterinary services for dog.

c. Lansing Shell Car Wash Co., 6109 South Cedar St., for landscaping damages from snowplow.

d. Barbara Duvall, 326 E. Hillsdale Apt. 1, for automobile muffler system damaged while driving on S. Clemens Street.

e. Anna and York Yang, 204 Kenway Dr., for removal of special assessment for property on Center St.

f. Kim A. Kranich, Holt, MI for removal of special assessment on property located at 409 N. Sycamore St.

Referred to the City Attorney.

Petitions filed for rezoning—Z-13-86—617 W. Saginaw, 629 W. Saginaw and 614 Sycamore Sts., described as:

E. 1/3 of Lot 8, Blk. 59, City of Lansing, Ingham Co.; also W. 2/3 of Lot 8 and West 110; of north 20; of Lot 7, Blk. 59, City of Lansing, Ingham Co.; Also Lot 7, Blk. 50, City of Lansing, Ingham Co., to be rezoned from "D-1" Professional Office, "E-2" Local Shopping and "DM-4" Residential Districts to "F" Commercial District filed by Les Linsemier.

Referred to the Mayor and Planning Board.

Petition for Planned Residential Development PRD-1-86, vacant land, 1800 block of Todd Avenue for a twelve unit building filed by Don Meade.

Referred to the Mayor and Planning Board.

Petitions filed for 2-hr. parking on Prospect St. from Holmes to Virginia St.

Referred to the Mayor and Traffic Board.

Greater Lansing Handball Club submits letter and petitions requesting development of an outdoor three-wall Handball/Racquetball Court in a public park.

Referred to the Mayor.

Municipal Public Safety Consortium submits letter requesting adoption of a resolution for funding a lobbyist for House Bills 4206 and 4207 currently before the House of Representatives.

Referred to the Mayor.

Jim Jordan, Lansing Regional Chamber of Commerce, requests appointment of representative for City Council and City Administration to serve with him on the "Downtown Business Development" subcommittee of the Task Force for Revitalization of Downtown.

Referred to the Council President Benavides.

Downtown Coaches Club presents request in conjunction with the Bank of Lansing Downtown Merchants' Tenth Annual Sidewalk Art Festival to be held June 13-14, 1986.

Referred to the Mayor and Committee on General Services.

Capital Area Transportation Authority submits letter urging support for a stable funding base for transportation services and the need for continued Federal public transportation legislation.

Received and placed on file.

Ernestine McMullen, Lansing coordinator of "Just Say No" walk against drugs, extends invitation to join in the event to be held on May 22, 1986.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 4b1 (Proclamation for Hospital Week), 4b2 (Proclamation for Neighborhood Pride Week); 4g (Gerald W. Graves v City of Lansing, et al); 4h (Board Appointment—Marylou Olivarez-Mason to Human Relations); 4i (Board Reappointments—Dr. Clyde Carnegie to Human Resources Adv. Bd.; Judith Fillice to Park Board; Dorothy Kowalski to Park Board; Floyd Wright and Emly Marks Horne to Planning Board; George Shields and John Brady to Plumbing Board; William Downs to Board of Mechanical Construction Examiners; Nolan Owen to police Commissioners); 4j (New Office Tower at the corner of E. Michigan and Grand Ave. in downtown Lansing); 4k (Community Development Block Grant Expenditures (4l (Helicopter Program); 4d (City Vehicles Parked Outside Restaurants and Local businesses. and 4m (Board Evaluations).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Rubbish Hauler—Harte Enterprises.

Mechanical Amusement Devices—Buzz's Bowling Lounge, Inc.; Jimmy G's Riverfront Saloon; Sholty's Bar; Irish Pub; Ground Round; Starr's Black & Tan; Holiday Inn South; Bootlegger's; Marts Inc.; Silvio's Lounge; Joe Covello's Lounge, Inc.; Metro Bowl, Inc.; Pro-Bowl, Inc.; Jim & Gail's Place, Inc.; Milo's Taverna; Green House; Holiday Lanes; Coscarelli's Restaurant & Lounge; Corey's Lounge; Pappy's Pizzeria; Scofes Restaurant & Lounge, Inc.; B & B Tapp Room; Capitol Park Hotel; Tommy's Bar.

Public Drivers—Ernest E. Walker, Brian P. Ferguson,

Cabaret—Unicorn Tavern.

Wrecker Service—Bill's Heavy Duty Wrecker Service, Inc.; Stowe Bros.; Wood's Okemos Shell, Inc.; Northside Service.

Auctioneer—Arthur Good.

Building Wrecker—Ace Wrecking.

Second Hand Dealer—Suarez TV and Electronics.

Building Movers—C.L. Davis and Son Housemoving.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Councilmembers Blair and Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON HUMAN SERVICES AND INTERGOVERNMENTAL RELATIONS—

To whom was referred the request from the Ingham County Board of Commissioners for City of Lansing participation in fund-raising efforts to purchase 150 acres of land adjacent to Lake Lansing Park,

Reports as follows: The committee recommends approval of the Commissioners' request that the City Policy in opposition to entrance fees at Lake Lansing Park be rescinded, effective immediately.

Signed:

LUCILE BELEN
ALFREDA SCHMIDT
Committee on Human Services and Intergovernmental Relations

By COUNCILMEMBER BELEN—

That we amend this Committee Report by adding at the end of the last paragraph "and that the request for funds be referred to the Ways and Means Committee."

Carried.

Councilmember Lindemann returned. The Committee report as amended was adopted by the following vote.

Unanimously.

THE COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the Ordinance amending Chapter 27, Section 27-35 for the purpose of revising the Schedule of Sewerage Rates reports as follows:

That said Ordinance be approved.

Signed:

LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

May 1, 1986

President Benavides and Members of the Lansing City Council

RE: Claim of Barry Flegler

Dear President Benavides and Members of City Council:

On January 28, 1986 Barry Flegler submitted a claim for special assessment of \$209.50 for trash pick up at 1113 Shiawassee Street. Claimant states that the trash and debris complained of were removed the day after he was given notice of the violation by the Building Safety Division. Claimant states he went to the Building Safety Department to discuss what had happened and was informed by a person at the Building Department that the pick up was only 3 or 4 days after the date of the inspection and that there was no problem and he would not be assessed for the costs of the pick up. Claimant states the next notice he received that there was in fact a problem was when he received his tax statement which included the special assessment for the trash pick up.

Information received from the Chief Code Compliance Officer states that 1113 W. Shiawassee was inspected on July 22, 1985 and found to be in violation of City Ordinance for the accumulation of trash and debris. A ten day notice of violation was sent to the claimant. Reinspection of 1113 W. Shiawassee was conducted ten days later on August 1, 1985. The reinspection resulted in a finding of the property still in violation. The Building Safety department authorized trash and scattered debris removal after the reinspection. Clean up of the brush and scattered debris was completed on August 8, 1985.

The Chief Code Compliance Officer recalls a discussion with the claimant. Claimant was advised of the procedure to file a claim. However, it is denied that any statements were made to the claimant regarding the fact that the trash was removed prior to the ten day period or that the claimant would not be assessed for the costs of the clean up.

The trash and debris located on 1113 W. Shiawassee violated the provision of Chapter 9A of the Code of City Ordinances. Chapter 9A by definition includes accumulation of trash and debris as a nuisance. The City has authority to abate a nuisance as set forth in Chapter 21. The claimant was noticed and failed to comply with the notice. The trash and debris were authorized to be removed after reinspection revealed the property remained in violation. The costs of the clean up were then assessed upon the claimant's property as a special assessment.

Based upon the above, it is the recommendation of this office that the claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

May 1, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Sharon Huntington

Dear President Benavides and
Members of City Council:

Sharon Huntington submitted a claim on February 24, 1986 for damage to her car tires in the amount of \$117.08. The claimant states that on Saturday, February 22, 1986 at approximately 10:00 a.m. she was on her way to buy a new drivers side tire for her car. While southbound on Pennsylvania near Kendon Street her vehicle struck a pothole and blew out two passenger side tires. Claimant pulled into a nearby gas station and was informed by the attendant that she was the fifth customer that day with blown tires from the same pothole.

Public Service Department reports that a pothole complaint for Pennsylvania near Kendon was recieved on February 24, 1986 at approximately 1:37 p.m. The pothole was promptly repaired. Public Service Department states that prior to the complaint there was no prior knowledge of this particular pothole and that during the recent spring thaw, they have experienced many pothole complaints.

A municipality is not not liable for injuries or damages cause by defective highways unless the governmental agency knew of the defect and had a reasonable time to repair the defect. MCLA 691.1043.

Based upon the above it appears that the City had no prior notice of the pothole and repaired the pothole promptly upon receiving notice. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

Letter from the City Attorney regarding the Claim of John A. Rach in the amont of \$199.79 was held for further information to be received.

DATE: 5/6/86

TO: President Tony Benavides and Members,
Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Applications

Attached are three parade applications which have been approved by all the necessary departments.

Lansing Culture Unlimited, scheduled for noon on Thursday, May 22, 1986, which will cost the City a total of \$92.25, representing one sergeant, three officers and four vehicles for one hour.

Mayor's Parade Committee, scheduled for 10:00 AM on Saturday, May 24, 1986, which will cost the City a total of \$1,077.90, representing two sergeants, ten officers and twelve vehicles for three hours.

Michigan Veterans of Foreign Wars, scheduled for 2:30 p.m. on Saturday, June 21, 1986, which will cost the City a total of \$1,077.50, representing two sergeants, ten officers and twelve vehicles for three hours.

These are being sent to you for final action.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Police Chief and these parade applications be approved inasmuch as they have been approved by all the necessary departments.

Carried.

May 8, 1986

Antonio Benavides, President
Lansing City Council

Dear President and Council Members:

The Village of Dimondale has requested two (2) grading easements on property owned by the Board of Water and Light (B.W.L.). The B.W.L. has reviewed the easements and, subject to your approval, would like to grant them.

Under normal circumstances, the easements would be submitted to our Board of Commissioners prior to requesting Council approval. However, the Village of Dimondale, due to its proposed construction schedule, would be severely inconvenienced. Out of comity to another government agency, I have agreed to waive our normal procedure. The easements will, however, be submitted to our Board of Commissioners at its monthly meeting.

If you have any questions, please contact me.

Very truly yours,

JOSEPH PANDY, JR.
General Manager.

Received and placed on file—Resolution 4c on agenda.

PROCLAMATION

Whereas; May 11-17, 1986, has been designated National Hospital Week by the American Hospital Association; and

Whereas: the Theme for the National Hospital Week celebration is "Hospitals Make Healthier Neighbors;" and

Whereas: the citizens of Lansing, Michigan, openly pay tribute to the dedicated staff of Lansing hospitals

for providing personal, yet professional healthcare that helps us all lead healthier lives.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim May 11-17, 1986, as:

"HOSPITAL WEEK"

in Lansing and urge all citizens of this community to participate in celebrations at various Lansing hospitals.

Given under my hand and the Seal of the City of Lansing this sixth day of May in the year of Our Lord one thousand nine hundred and eighty-six.,

TERRY J. McKANE,
Mayor.

Received and placed on file.

PROCLAMATION

Whereas, the Lansing Neighborhood Council has stated that one of its goals is to foster communication between its member groups and City government; and

Whereas, improving neighborhoods is a concern shared by the Lansing Neighborhood Council, Lansing City Council, and myself; and

Whereas, I have declared my support of neighborhoods and my desire to cooperate with neighborhood groups; and

Whereas, positive steps have been taken by my office to demonstrate this support, including regular meetings with the Neighborhood Advisory Committee in an effort to share ideas and information.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the week of May 17, through May 24, 1986, as:

"NEIGHBORHOOD PRIDE WEEK"

in Lansing, and urge all residents to participate in the Public Forum on Downtown Revitalization, May 17; Neighborhood Clean-up Day, May 18; Neighborhood Council Community Round-Table, May 20; and Plant-a-flower Day, May 24, 1986. By vesting time and energy in the neighborhoods, the quality of life of all citizens will be improved.

Given under my hand and the Seal of the City of Lansing this sixth day of May in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 5/8/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Director

RE: Lansing Housing Commission—Request to be

Exempt from Payment in Lieu of Taxes (PILOT)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

DATE: 5/8/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Chief Gleason & H. McCaffery

RE: City Vehicles Parked Outside Restaurants and Local businesses.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 5/8/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

Re: Z-4-86, 521 Lincoln Avenue

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/8/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

Re: Z-5-86, 423 South Cedar St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/8/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: Tax Abatement Review
IPR-5-85, Interstate Foods, Inc., 130 N. Larch
IPR-3-85, R.G. Curtiss, 630 Park Place

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Economic Development.

DATE: 5/6/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Foster, Swift, Collins & Coey, P.C.

RE: Gerald W. Graves v City of Lansing,
et al Court of Appeals No. 75646

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

April 30, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the appointment of Marylou Olivarez-Mason to the Human Relations Board. The term will expire June 1987.

Mrs. Olivarez-Mason resides at 900 Sparrow Avenue and is the Assistant Director of the State of Michigan Commission on Spanish Speaking Affairs. She is actively involved in many community organizations and will contribute greatly to this Board.

I trust you will give careful consideration to the appointment of Marylou Olivarez-Mason to this important Board.

Best personal regards.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Human Services and Intergovernmental Relations.

May 7, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Dr. Clyde Carnegie to the Human Resources Advisory Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Dr. Clyde Carnegie to this important Board.

Best personal regards.

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of Dr. Clyde Carnegie to the Human Resources Advisory Board.

Carried.

May 7, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Judith Filice to the Park Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Judith Filice to this important Board.

Best personal regards.

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of Judith Filice to the Park Board.

Carried.

May 7, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Dorothy Kowalski to the Park Board. The term will expire in June, 1990.

I trust you will give careful consideration to the

reappointment of Dorothy Kowalski to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of Dorothy Kowalski to the Park Board.

Carried.

May 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Floyd Wright to the Planning Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Floyd Wright to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of Floyd Wright to the Planning Board.

Carried.

May 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Emly Marks Horne to the Planning Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Emly Marks Horne to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of Emly Marks Horne to the Planning Board.

Carried.

May 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of George Shields to the Plumbing Board. The term will expire June, 1990.

I trust you will give careful consideration to the reappointment of George Shields to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of George Shields to the Plumbing Board.

Carried.

May 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of John Brady to the Plumbing Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of John Brady to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of John Brady to the Plumbing Board.

Carried.

May 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of William Downs to the Board of Mechanical Construction Examiners. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of William Downs to this important

Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of William Downs to the Board of Mechanical Construction Examiners.

Carried.

May 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Nolan Owen to the Board of Police Commissioners. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Nolan Owen to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and confirm the reappointment of Nolan Owen to the Board of Police Commissioners.

Carried.

DATE: 5/8/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Frandorson Properties and Martin Invest-
ment Properties

RE: New Office Tower at the corner of East
Michigan and Grand Avenue in downtown Lan-
sing

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 5/7/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance and Development Directors

RE: Community Development Block Grant
Expenditures

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Physical Develop-
ment.

DATE: 5/9/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Helicopter program

Attached please find reports from Chief Gleason and the Finance Department on the helicopter program. As you know, I recommended that the program be included in the FY 86-87 budget and I want to reiterate that I still recommend it. I feel that this is a valuable service to the community and I request that you reconsider your decision to delete it.

The entire program could be retained with the very minimal addition of .4 mills to your proposed tax rate. I believe from the calls I have had that the citizens support the program and are willing to support the tax rate needed to keep it. Just so there can be no doubt about my position, I recommend that you keep the program and add the .4 mills to support it.

Thank you.

TERRY J. McKANE,
Mayor.

Referred to the Committee of the Whole.

DATE: 5/5/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from City Boards

RE: Board Evaluations

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 5/7/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Director

RE: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0190

Resolved by the City Council of the City of Lansing:

Whereas, the owners of a vacant and dilapidated structure located on private property at 1110 Prospect Street have requested that the City of Lansing demolish the structure and assess all costs against the property; and

Whereas, the City Administration has recommended that such request be approved;

Now, Therefore, Be It Resolved the City of Lansing, City Council hereby authorized the Director of Building Safety to proceed with demolition and removal of a substandard single-family residential structure located at 1110 Prospect, legally described as:

the E. 33 feet of Lot 4, Block 13, Green Oak Addition, City of Lansing Parcel #3301-15-333-221; and

Be It Further Resolved all costs of said demolition shall be placed as a special assessment against said property in accordance with City assessment procedures.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0141

Resolved by the City Council of the City of Lansing:

ACT-2-86
North East Street

Whereas the Lansing City Council directed the Property Management Division to prepare a resolution to dispose of three parcels of land as appropriate:

Now, Therefore, Be It Resolved that the Lansing City Council hereby vacates parcel A and C described below:

A. North East Street

Beginning on the West Line of Section 10T4N R2W, at the point of intersection with the south line of Oakland Avenue extended west; thence northly along said section line to the point of intersection with the center line of Porter Street extended west; thence easterly on said center line to a point N89 Deg 59 Min

W 733.5 FT more or less from the west line of Ballard Street; thence S 00 Deg 41 Min e 662 FT more or less to the south line of Oakland Avenue, thence west to beginning, reserving an easement of the land leased to Central Advertising directly adjacent and perpendicular to the north side of Oakland Ave., also reserves an easement across said vacated street to, said leased land; said reservation and easement shall expire April 1, 1987; the City further reserves a perpetual easement under and across the southern 100 feet thereof for future public utility purposes and that no structures of any kind be permitted on this easement;

C. North East Street

Beginning at the intersection of the north line of May Street extended west and the west line of Section 10, T4N R2W; thence northerly along said section line 132 FT more or less to a point of intersection with the westerly extension of the north line of Prime's Subdivision of Lot 20 and the south part of Lot 19 of Seymour's Sub. of the SW ¼ Section 10; thence easterly along said extended plat line to the NW corner of Lot 1, Block 1 said subdivision; thence southerly 132 FT along the west line said subdivision to the N line of May Street; thence westerly on Said N line to beginning.

Be It Further Resolved that the City Assessor, place parcel B on the tax rolls as a no name, described as:

B. No Name Parcel

Beginning at the intersection of the south line of Sheridan Street extended west and west line of Section 10, T4N R2W; thence southerly along said section line 305 FT more or less to a point of intersection with the south line of Assessor's Plat No. 23 extended west thence easterly 20 FT more or less on said extension to the SW corner of Lot 12 said Plat; thence northerly along the west line of said Plat 30.5 FT more or less to the south line Sheridan Street; thence west 20 FT more or less to beginning.

Be It Further Resolved that the City shall not renew said Lease with Central Advertising on parcel A, and that no advertising or displays remain at this location after January 31, 1987, and that Central Advertising remove the advertising structure and repair all damage to said premises directly resulting from the installation of said structures by April 1, 1987.

Be It Further Resolved that the vacated part of North East Street between the north and south line of Oakland Ave. be dedicated and named as Oakland Ave.; and

Be It Finally Resolved that the City Clerk is directed to record a certified copy of this resolution with the Register of Deeds and shall also send a recorded copy to the State Treasurer.

Councilmember Blair returned to the meeting.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT II

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0192

Resolved by the City Council of the City of Lansing

That the plans and specifications returned by the Department of Public Service in pursuance of the resolution of this Council.

Resolution date—4/14/86.

P.S. #67051, St. Sewer, C&G & Rd. REconst.

Property Benefited—all lands fronting on E. Jolly Road from S. Pennsylvania Avenue to S. Cedar St. excepting all public streets and alleys and other lands deemed not benefited.

Project Number—PS 67051

Assessment Roll No.—298—C&G

Intersection and City Contribution—\$4,089.30*.

Assessable to Property Owners—\$27,157.85

Total Project Cost—\$31,247.15.

Road Work & St. Sewer—Intersection and City Contribution — \$252,482.50.

Total Intersection and City Contribution —\$256,571.80

Road work and St Sewer Total assessable to Property Owners—0.

Total assessable to property owners—\$27,157.85.

Total project cost including road work & St. Sewer —\$283,729.65.

*\$3,158.16 Fed. Aid Urban Funds
\$931.14 — 401-900-000-974.3

**\$194,992.23 Fed. Aid Urban Funds
\$37,490.27 — 401-900-000-974.3
\$20,000.00 — 401-787-010-974.688

That M.D.O.T. will advertise and let for bid said project MR 2003 (083) in accordance with an Agreement with the City of Lansing.

That the City Assessor be, and is directed, to make special assessment installment rolls, based upon bids to be received and other related costs of construction, and return same to the City Council.

This project to be known as the Jolly Road reconstruction PS 67051.

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES S. REMENAR,
Deputy Controller.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT III

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION #0193

Resolved by the City Council of the City of Lansing:

That the special assessment roll for Jolly Road reconstruction.

Assessment Roll No. 298 St. Sewer, C&G & Rd.

Reconst.

Property Benefited—All lands fronting on E. Jolly Rd. from S. Pennsylvania Ave. to S. Cedar St. excepting all public streets and alleys and other lands deemed not benefited.

The estimated expense of said improvements is based upon construction bids received by Mich. Dept. of Transportation (MR 2003(083))

Project Number—PS67051.

Assessment Roll No. 298 C&G Rd. Work and St. Sewer

Intersection and City Contribution—298 C&G Rd. work—\$4,089.30; St. Sewer \$252,482.50**

Assessable to Property Owners—C&G Rd. work—\$27,157.85; St. Sewer—0.

Total Project Cost—C&G \$31,247.15; St. Sewer \$283,729.65

Total Intersection and City Contribution —\$256,571.80

Total assessable to property owners—\$27,157.85.

Total Project cost—\$283,729.65.

*\$3,158.16 Fed. Aid Urban Funds
\$931.14 401-900-000-974.3

**\$194,992.23 Fed. Aid Urban Funds
\$37,490.27 401-900-000-974.3
\$20,000.00 401-787-010-974-688

Returned by the City Assessor be received and placed on file, and the City Clerk be directed to publish a notice thereof by publication in a local newspaper five days in accordance with Section 28-17, of Chapter 28 of the Code of Ordinances.

Resolved further, that the City Council will meet at the Council Rooms on Tuesday, the 27th day of May, 1986 at '00 o'clock p.m. for the purpose of reviewing said assessment roll.

This project to be known as Jolly Road Reconstruction, PS 67051.

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES S. REMENAR,
Deputy Controller.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION #0194

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has entered into an Urban Homesteading Agreement with the Department of Housing and Urban Development; and

Whereas, the Urban Homesteading Procedures approved by the Mayor on April 28, 1983, requires City

Council approval to include houses in the program; and

Whereas, the FHA Regional Office has referred one structure to the City of Lansing for inclusion in the program, the structure being located at 324 Isbell; and

Whereas, Development Division staff has inspected the house and recommends purchasing 324 Isbell;

Now, Therefore, Be It Resolved, that the City Council hereby approves the purchase of 324 Isbell utilizing the City's Section 810 fund allocation for said purchase for inclusion in the City's Urban Home-steading Program.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0195

Resolved by the City Council of the City of Lansing:

Whereas, Benjamin R. Leyrer passed away on April 28, 1986, at the age of 75; and

Whereas, Mr. Leyrer had been a lifelong resident of Lansing, gaining his diploma from Lansing High School, his undergraduate degree from Alma College and his Master's Degree from Michigan State University; and

Whereas, Mr. Leyrer devoted his life to public education, retiring from the Lansing School District in 1970 as Principal of Everett High School after having taught for several years and having served as Assistant Principal at Lansing Eastern High School; and

Whereas, Mr. Leyrer volunteered a large portion of his life in service to others through membership in a variety of local organizations, all of which will mourn his passing;

Now, Therefore, Be It Resolved the Lansing City Council hereby recognizes the service and accomplishments of Benjamin R. Leyrer; and

Be It Further Resolved, on behalf of all citizens of Lansing, the City Council expresses heartfelt sympathy to members of the Leyrer family.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0196

At a regular meeting of the City Council of the City of Lansing, Ingham, Eaton and Clinton Counties, Michigan, held on the 12th day of May, 1986.

Present: Councilmember Adado, Belen, Benavides, Blair, Creamer, Lindeman, Schmidt and Worthington—8.

Absent: None.

The following resolution was offered by Councilmember Belen and seconded by Councilmember Schmidt.

Whereas, the City of Lansing (the "City") and the

City of Lansing Building Authority (the "Authority"), have entered into a Contract of Lease (the "Contract of Lease") dated as of June 1, 1985, pursuant to which the Authority has agreed to acquire, construct, furnish, equip and finance (1) and extension of the North Grand Avenue parking garage and (2) a pedestrian walkway to connect the North Grand Avenue parking garage to a new hotel and exhibition hall (the "project") and lease the Project to the City; and

Whereas, pursuant to the Contract of Lease and a Bond Resolution adopted by the Authority on July 18, 1985, the Authority issued and sold its building Authority Bonds, in the aggregate principal amount of \$6,600,000, to finance the cost of the Project; and

Whereas, the Authority has determined that the pedestrian walkway portion on the Project cannot be completed within the estimated cost and, pursuant to the Contract of Lease, the Authority has so notified the City in writing and has specified the amount of additional funds required to complete this portion of the Project; and

Whereas, in order to provide the additional required funds, the City intends to enter into a Supplemental Contract of Lease with the Authority with respect to the acquisition, construction, furnishing, equipping, and financing of the pedestrian walkway portion of the Project; and

Whereas, it is necessary to publish a notice of such intention and to allow a 45-day period for the filing of a petition for referendum requesting an election on the Supplemental Contract of Lease.

Therefore, Be It Resolved by the City Council of the City of Lansing, Ingham, Eaton and Clinton Counties, Michigan, as follows:

1. The City Clerk is hereby authorized and directed to cause the following notice to be published and prominently displayed once in The State Journal:

CITY OF LANSING INGHAM, EATON AND CLINTON COUNTIES MICHIGAN

NOTICE OF INTENTION OF THE CITY OF LANSING TO ENTER INTO A SUPPLEMENTAL FULL FAITH AND CREDIT GENERAL OBLIGATION CONTRACT OF LEASE WITH THE CITY OF LANSING BUILDING AUTHORITY AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON.

TO ALL ELECTORS AND TAXPAYERS
OF THE CITY OF LANSING:

NOTICE IS HEREBY GIVEN, that the City Council of City of Lansing, Ingham, Eaton and Clinton Counties, Michigan, intends to authorize the execution of a supplemental full faith and credit general obligation contract of lease (the "supplemental contract of lease") with the City of Lansing Building Authority. The supplemental contract of lease will provide, among other things, for the payment by the City of Lansing of the additional rent necessary to enable the City of Lansing Building Authority to pay the principal of and interest on bonds to be issued by the City of Lansing Building Authority to pay the cost of completing the acquisition, construction, furnishing, and equipping by the City of Lansing Building Authority of a pedestrian walkway to con-

nect the North Grand Avenue parking garage to a new hotel and exhibition hall. Because the proceeds of the Building Authority Bonds, Series 1985, issues and sold by the City of Lansing Building Authority pursuant to a contract of lease between the City of Lansing and the City of Lansing Building Authority and a bond resolution adopted by the City of Lansing Building Authority, are insufficient to pay the cost of completing the pedestrian walkway portion of the project, the supplemental contract of lease will provide that the City of Lansing Building Authority will obtain funds to pay the cost of completing the pedestrian walkway by issuing building authority bonds pursuant to the provisions of Act 312, Public Acts of Michigan, 1948 (First Extra Session), as amended, in anticipation of the receipt of cash rental payments to be made by the City of Lansing to the City of Lansing Building Authority pursuant to the supplemental contract of lease. The maximum amount of bonds to be issued is \$900,000.

**FULL FAITH AND CREDIT AND LIMITED
TAXING POWER OF THE CITY OF
LANSING PLEDGED**

Notice is further given, that in the supplemental contract of lease the City of Lansing will obligate itself to make cash rental payments to the City of Lansing Building Authority in amounts sufficient to pay the principal of and interest on the bonds to be issued by the City of Lansing Building Authority and that the *full faith and credit of the City of Lansing will be pledged for the making of the cash rental payments as a limited tax first budget obligation.* Pursuant to the pledge of its full faith and credit, the City of Lansing will be required in each fiscal year to include in its general fund budget and to appropriate such amounts as shall be necessary to make such cash rental payments. In no event may the City of Lansing levy an ad valorem tax for the purpose of paying for the pedestrian walkway in an amount in excess of the rate permitted by law pursuant to the city charter. In addition to its obligation to make cash rental payments, the City of Lansing will agree, in the supplemental contract of lease, to pay all costs and expenses of the City of Lansing Building Authority incidental to the issuance and payment of the bonds to the extent such expenses are not payable from the proceeds of the bonds and to pay the expenses of operating and maintaining the pedestrian walkway.

RIGHT TO PETITION FOR REFERENDUM

Notice is further given, that this notice is given to and for the benefit of the electors and taxpayers of the City of Lansing, in order to inform them that the City Council intends to authorize the execution of the above described supplemental contract of lease and also to inform them of their right to petition for a referendum upon the question of entering into such a supplemental contract of lease. The City of Lansing intends to enter into the supplemental contract of lease without a vote of the electors thereon, but the supplemental contract of lease shall not become effective until 45 days after publication of this notice. If, within the 45-day period, a petition for referendum requesting an election on the supplemental contract of lease, signed by not less than 10% or 15,000 of the registered electors of the City of Lansing, whichever is less, has been filed with the City Clerk, the supplemental contract of lease shall not become effective unless

approved by a majority of the electors of the City of Lansing voting thereon at a general or special election.

This notice is given by order of the City Council pursuant to Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Further information may be secured at the office of the undersigned City Clerk.

RITA M. BAUMN,
City Clerk.

Dated: May 12, 1986.

2. It is hereby found and determined that The State Journal is the newspaper reaching the largest number of electors and taxpayers of the City of Lansing.

3. It is hereby determined that the aforesaid notice provides information adequate to inform the electors and taxpayers of the City of Lansing of the nature of the contractual obligations to be assumed by the City of Lansing and of their right to file a petition for referendum request in an election on the supplemental contract of lease.

Yeas—Councilman Belen, Benavides, Lindemann, Schmidt and Worthington—5.

Nays—Councilmembers Adado, Blair, and Creamer—3.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 12th day of May, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0197

Resolved by the City Council of the City of Lansing:

Whereas, the Board of Water and Light is the owner in fee simple of the following property:

Block S and all land extending Nw'ly to Grand River. Block R and all land extending SW of Block Q to River, except commencing SW Corner Lot 5, Block Q, N'ly on W'ly line Lot 5, 165 feet, W'ly 25 feet, S'ly 165 feet E'ly 25 feet to beg. 2.58 A. O. P., Blocks S, R and Q Village of Dimondale.

Whereas the Village of Dimondale desires to use a parcel 10 feet in width of the above described property for a grading easement to facilitate construction on its adjacent bridge which parcel is described as follows:

Beginning at a point in the North line of Bridge Street, SW'ly 21.5 feet from the South Corner of Lot 6, Block Q, Plat of the Village of Dimondale, Eaton County, Michigan; thence NW'ly 10.00 feet at right angles to the North line of Bridge Street, SW'ly parallel with the South line of Bridge Street to the East Bank of the Grand River, SE'ly 10.00 feet to the North line of Bridge Street, NE'ly along the North line of Bridge Street to the p.o.b.

Whereas, the proposed easement has been reviewed by the Engineering Division of the Board of Water and Light and will be submitted to its Board of Commissioners on May 27, 1986; and

Whereas, the Board of Water and Light has agreed to grant the easement upon the following conditions:

1. The Village of Dimondale, its successors or assigns, shall indemnify and save harmless the Board of Water and Light from and against any and all claims, demands, actions and judgments and against any and all claims, demands, actions and judgments lodged, asserted or recovered by others for loss, damage or injury to person or property, including death, arising out of or in connection with the use of lands located within described easement.

2. The above described easement shall not be assigned by the Village of Dimondale, its successors or assigns without written consent of the Board of Water and Light.

Now, Therefore, Be It Resolved that the City Council of Lansing approves the grant of said easement and the General Manager and the Secretary of the Board of Water and Light are authorized to sign the easement.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

That we suspend the rules to include this resolution to go with the one just passed.

Carried.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0198

Resolved by the City Council of the City of Lansing:

Whereas the Board of Water and Light is the owner in fee simple of the following property:

Lot 1 and SE'ly 33 feet of Lot 2, Block D. Commencing 66 feet NE of East Corner of Block F, NW 165 feet, SW 66 feet, NW on line Blocks F, E and D to a point 165 feet SE'ly from East Corner Lot 4, Block D, N 45°15'30" E 300 feet, N 44°25'W 99 feet, N 45° E to Grand River, S'ly to 6th Street, SW to begining. O.P., Village of Dimondale, 7.28A

Whereas, the Village of Dimondale desires to use a parcel 10 feet in width of the above described property for a grading easement to facilitate construction on its adjacent bridge which parcel is described as follows:

Beginning at a point in the North line of Bridge

Street, NE'ly 60.5 feet from the East Corner of Lot 1, Block F, Plat of the Village of Dimondale, Eaton County, Michigan; thence NW'ly 10.00 feet at right angles to the North line of Bridge Street, NE'ly parallel with the North line of Bridge Street to the West Bank of the Grand River, SE'ly 10.00 feet to the North line of Bridge Street, SW'ly along the South line of Bridge Street to the p.o.b.

Whereas, the proposed easement has been reviewed by the Engineering Division of the Board of Water and Light and will be submitted to its Board of Commissioners on May 27, 1986; and

Whereas, the Board of Water and Light has agreed to grant the easement upon the following conditions:

1. The Village of Dimondale, its successors or assigns, shall indemnify and save harmless the Board of Water and Light from and against any and all claims, demands, actions and judgments lodged, asserted or recovered by others for loss, damage or injury to person or property, including death, arising out of or in connection with the use of lands located within described easement.

2. The above described easement shall not be assigned by the Village of Dimondale, its successors or assigns without written consent of the Board of Water and Light.

Now, Therefore, Be It Resolved that the City Council of Lansing approves the grant of said easement and the General Manager and the Secretary of the Board of Water and Light are authorized to sign the easement.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Revising Chapter 27, Section 27-35 for the purpose of revising the Schedule of Sewerage Rates and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by Revising Chapter 27, Section 27-35 for the purpose of revising the Schedule of Sewerage Rates be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

Carried.

ORDINANCE NO. 712

An Ordinance of the City of Lansing, Michigan, providing that Chapter 27 of the Code of Ordinance

of the City of Lansing, Michigan, be amended by revising Section 27-35 for the purpose of revising the schedule of sewerage rates.

The City of Lansing ordains:

Section 1. That Chapter 27 of the Code of ordinances of the City of Lansing, Michigan be amended by revising Section 27-35 to read as follows:

Sec. 27-35. Amount; billings.

The rates and charges for services furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured by meters therein used, or in the absence thereof, by such equitable method as shall be determined by the director of public service with the approval of the city council, and shall be collected at the same time, and in the same manner as provided for the payment of charges for water used, except in cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the average sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the city may, if it deems it advisable compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the city before discharging such sewage into the sewage disposal system. Rates for all users obtaining all or part of their water supply from sources other than the city's water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used by them, in a manner acceptable to the city council. The commodity charge for resident users shall be computed on the basis of nine hundred (900) cubic feet per month per customer where gauging or metering is not practical.

The city council may classify the users of the system according to the quantity and quality of water used and charge such rates to users in each class as it may deem reasonable.

(1) The rate to be billed for use of the system shall be as follows for all users within the sanitary sewer service area of the city except as otherwise provided herein:

SCHEDULE OF SEWERAGE RATES PER MONTH

(a) Billing charge: \$2.16 per bill per customer for billing and collecting services.

(b) Commodity charge: \$1.10 per 100 cubic feet for all water usage.

(c) Lawn Sprinkling: Upon all bills to resident users of two (2) units or less during the months of September, October and November, the sewerage charge shall be subject to discount of ten (10) per cent unless water used for lawn sprinkling is metered separately, and further provided that said discount shall not apply to the billing charge.

(d) Delayed payment charge: A delayed payment charge of five (5) per cent of the total monthly bill shall be added to any bill which is not paid on or before the due date shown thereon.

(e) Extra strength waste surcharge (BOD) \$0.090 per pound in excess of 300 milligrams per liter (mg/l).

(f) Extra strength waste surcharge (suspended solids) \$0.050 per pound in excess of 350 milligrams per liter (mg/l).

(g) Industrial and commercial monitoring charges:

1. Composite sample: \$143.00 each.

2. Grab sample: \$55.00 each.

3. Laboratory analysis: \$22.00 each.

(2) The rate to be billed for use of the system for all Landel customers shall be the same as that used within the city.

The rates stated herein shall be effective on July 1, 1986, except as otherwise provided. A billing covering use of the system before and after the effective date of this rate change shall have such bill prorated, based upon the average use per day and the number of days within such billing period, at the rate then in effect.

The board of water and light is hereby designated as the billing and collecting agent for the city for the purposes of this chapter and is reimbursed from the funds collected for the expense of such billing and collecting.

Suburban user or users or sewer or sewer services located outside of the corporate limits of the city who have connection with the sewerage system of the city shall pay for such services such additional rate to that charged to users within the corporate limits as the city council may determine to cover additional costs to the city of transportation of waste water and depreciation of investments by the city in sewerage facilities.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER LINDEMAN—

That they have the City Attorney draft a resolution clarifying our intent to go ahead with this issue regarding the pedway to the hotel.

Carried.

By COUNCILMEMBER ADADO—

That we recess for ten minutes while the City Attorney drafts the resolution.

Carried.

Carried.

Council adjourned at 9:50 p.m. and reconvened at 10:05 p.m.

By COUNCILMEMBER BLAIR—

That we suspend the rules to accept the following Resolution.

Carried.

By COUNCILMEMBER LINDEMANN—

RESOLUTION #0199

Resolved by the City Council of the City of Lansing:

That the City of Lansing Building Authority shall cause the Pedway connecting the Radisson Hotel and the Exhibition Hall to be constructed in a "T" configuration connecting to the Radisson Hotel at a point approximately 57 feet west of the north/south property line of the Hotel and approximately 40 feet south of the north property of the Hotel as requested by the Hotel developer, and

It is further resolved, that the Building Authority shall submit all necessary documents including a modified lease agreement, final design approval and required approvals for necessary financing to the City Council for adoption as expeditiously as is possible.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt—5.

Nays—Councilmembers Blair, Creamer, Worthington—3.

By COUNCILMEMBERS BELEN, BLAIR, WORTHINGTON AND LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Austin Excavating requesting to work evenings to saw cut concrete sidewalk in the 100 & 200 blocks S. Washington Sq.

By COUNCILMEMBER BELEN—

That we grant permission for Austin Excavating Co. to do this work during the evenings.

Carried.

Letter received from Greg and Diane Wade in support of increased funding for the Lansing Neighborhood Council and for continued police helicopter patrols.

Referred to the Committee of the Whole and Committee on Physical Development.

Letter from Peggy Weaver, Friendship Manor Apts., regarding the need for new bus benches at their CATA bus stop.

Referred to the Mayor.

May 12, 1986

Tony Benavides, President
Lansing City Council

Dear President Benavides:

I have drafted a letter dated May 12, 1986, to Mayor Terry J. McKane requesting his assistance in pro-

viding, to the Lansing Housing Commission, help in securing fire and extended coverage and liability insurance for which the Commission, upon opening bids found itself being possibly priced out of the property insurance market and have not received bids for liability insurance.

I am herein also requesting the Lansing City Council given its interest in having created the Lansing Housing Commission for the purpose of providing decent, safe, sanitary and affordable housing within the Lansing community for low income families, to assist the Commission in securing liability and property insurance coverage. Specifically, I am requesting that:

1. The Council support adding, if necessary, the Lansing Housing Commission's property to that of the City of Lansing in regard to its property insurance coverage; and

2. Assist the Commission by adding the Lansing Housing Commission to the City of Lansing's liability insurance policy.

The Lansing Housing Commission and I stand ready to provide any and all information that is desired by Council in relation to their response to this request. Should you have any question or desire a meeting in regard to this matter, please contact me.

Please be aware that the Lansing Housing Commission is currently without coverage in both of these critical categories. Your prompt response and consideration of the request contained herein, is appreciated.

Cordially,

WALTER NORRIS, JR.
Executive Director
LANSING HOUSING COMMISSION

Refer to Mayor, Committee on Ways and Means.

REMARKS BY THE MAYOR

Saturday, May 17th, in the Council Chambers at 10:00 a.m. there will be a meeting of the Mayor's—State of Michigan—Public—and City Council's Task Force on Downtown Revitalization.

Announced street closing and partial closings for the coming week.

Announced May 19-23, 1986 as Michigan Week.

Memorial Day Parade to be held May 24, 1986.

Prayer Breakfast will be on Thursday May 22, 1986.

REMARKS BY THE CITY COUNCIL

Councilmember Creamer asked the Mayor to investigate the need of ruts on West Side Park which need to be fixed. Wished Paul Ridenour Happy 60th Birthday.

Councilmember Schmidt remarked on the public response regarding the helicopter unit support.

Councilmember Adado thanked the public for their response on the Budget Hearing. Announced May 27, 1986 Women's Sports Banquet to be held at MSU.

Asked Administration to request that Channel 1 not

be used for announcements as it is the channel used by 911 Operators.

Gerald Graves, 1623 So. Genesee St., spoke regarding troubles in trying to gain admittance to City Hall Lobby; reclassifications of higher employers, New Hotel, Salaries of Department Heads, Pedway, and Revenue Sharing.

Gary Sailor, 512 N. Clemens St., spoke regarding streets being in state of disrepair due to construction when one tries to drive over Clemens and Aurelius Roads south.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:45 P.M.

RITA M. BAUMAN,
City Clerk.

May 12, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

269

Proceedings, May 19, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

May 19, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Brownie Troop #303 from Holy Cross Church, who also helped with the Pledge of Allegiance.

Pledge of Allegiance was led by the Marine Corp. Color Guard with a Flag Ceremony and the presentation by local Veterans Groups to the City Council President Benavides of a new American Flag for the Flag Pole in the City Hall Plaza Complex.

By COUNCILMEMBER SCHMIDT—

That the Council Proceedings of April 14 and 21, 1986 be approved and Carried.

PUBLIC HEARING

May 19, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 130 S. Eighth.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they would have the privilege of speaking at this time.

Bernardo Villanueva, 3718 Seaway Dr., owner of property spoke.

Mary Clark, 219 S. Eighth St. spoke.

Referred to Committee on General Services.

May 19, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 915 Clark Street.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property, they would have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

May 19, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1701 South Washington.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

Perry Nichols, 1701 S. Washington, owner, spoke requesting a 30 day extension.

Referred to the Committee on General Services.

May 19, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing for the Repeal of Chapter 31 containing Sections numbered 31-1 through 31-188 of the Code of Ordinances, City of Lansing, Michigan and declaring the same to be null and void and of no effect.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance repeal they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

May 19, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing that a new Chapter 31 be added to the Code of Ordinances for the purpose of adopting the Michigan Uniform Traffic Code as modified.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Those speaking regarding Resolution 5a - Passage of the FY 86-87 Budget and in favor of the keeping the Helicopter were:

Jay Whitney, 901 Bates St.
Calvin Anderson, 1112 W. Maple St.
Linwood Beekman, 313 S. Washington.
Mary Haney, North Lansing Neighborhood Association.

Audrey McGee, 2304 Bedford Rd.
Kevin McKinney, 806 Seymour representing Downtown Neighborhood Association.
Gerald Graves, 1623 S. Genesee Dr.

Dale Maynard, 923 N. Chestnut St., spoke regarding his application for exemption to the City's Peddlers Ordinance Section 24-2 (e).

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Auctioneer—Craig A. Whitford
Peddler—Carlton McConnell
Building Wrecker—Swartz Excavating Co.
Rubbish Hauler—Oney Culpepper.
Public Driver—Richard H. Wicker.

Referred to the Committee on General Services.

Notice of Intent to make claim for injuries sustained by Ruth McGarey in a fall at the Lansing Civic Center filed by Atty. James Heos.

Referred to the City Attorney.

Claims filed by:

a. Steven T. Floyd, 118 W. Lenawee St., for towing and storage charges for motorcycle taken by Lansing Police Dept.

b. Victor Stelmashenko, 1612 S. Pennsylvania Ave., for sewer cleaning charges due to city main section which was plugged.

c. Michael D. Crews, 3932 Hartford #31, for a broken automobile windshield from a golf ball at Waverly Golf Course.

Referred to the City Attorney.

Petition filed for re-zoning—Z-14-86—5436 S. Cedar Street described as Lots 1, 3, and 4; Lot 2 except 139' Supervisor's plat #10 to be rezoned from "A" Residential District to "H" Light Industrial District filed by Keith Hamilton.

Referred to the Mayor and Planning Board.

Letter from the Greater Lansing Convention/Exhibition Authority Board of Commissioners submitting notification of applying for special liquor licenses for the new Exhibition Center and for the Civic Center.

Referred to the Committee on General Services and Committee on Public Safety and Properties.

Continental Cablevision of Michigan, Inc. submits notification of proposed rate increase.

Received and placed on file.

WMMQ radio broadcasting station requests permission to place transmit dish on the city Broadcasting Tower located at S. Washington Ave. and W. Holmes Rd.

Referred to the Mayor.

Copy of letter submitted from Buick-Olds-Cadillac regarding litter along the I-496 expressway adjacent to their Main Plant Complex.

Received and placed on file.

Windsor Charter Twp. Clerk submits for review, comments and recommendations a copy of an Application for Farmland Agreement executed by L. Robert and Roberta M. McElmurry for 150 acres of their farmland in accordance with Section 5(3) of Act 116 of PA 1974, State of Michigan.

Referred to the Mayor.

Letter of support for Helicopter Program received from Mr. and Mrs. William Duffey, 3011 Cumberland Road.

Received and placed on file.

Petitions received in support of the Helicopter Program from Southwest Lansing and Gier Park Residents.

Received and placed on file.

Daniel K. Maynard, 923 N. Chestnut St., makes application for exemption to the City's Peddlers Ordinance Section 24-2(e).

Referred to the Committee on General Services.

Edward Eston, Tri-County Union Label Coalition submits letter explaining their Boycott of Coors Brewers.

Received and placed on file.

Letter from Eddie E. Sylvester concerning loitering and litter on street in the vicinity of Everett High School.

Referred to the Mayor.

Letter from Carolyn Hartsuff, 6324 Beechfield Dr., regarding peddlers on the city streets.

Referred to the Mayor.

Michigan Municipal League submits agenda and materials for the League's Annual Convention scheduled for September 18-20, 1986 at the Grand Hotel on Mackinac Island.

Referred to the Mayor and Committee of the Whole.

Michigan Public Service Commission submits notice of public hearing in the matter of Consumers Power Company's 1985 compliance filing applicable to financial stabilization.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 5a (Proclamation: Michigan Week); and 5b (Proclamation—Public Works Week—made presentations to Dave Purvis, Thomas Dunneback, Bob Clegg, Jimmy Spangler, Howard McCaffery, Dave Berridge and George Taylor); 5d (Letter of Support of Mayor's Proposed Budget for FY 86/87 and requests for use of FY 86-87 Funds—from Downtown Neighborhoods Association); 5e (Consolidated Tax Anticipation Notes); 5f (Financial Statements of the City); 5g (Fair Labor Standards Regulations re: Compensatory Time); 5j (Resignation of George E. Kafantaris from Mall Advisory Board) also commented on the Budget for FY 86/87 (Resolution 5A.)

Dear President Benavides and Councilmembers:

I want to thank Councilmember Belen, Benavides, Creamer, Schmidt, and Worthington for the responsible way in which they have approached the Budget process this year. If, as I expect they will be, their budget votes at tonight's Council meeting are the same as they were at the last Committee of the Whole meeting, the citizens of Lansing will be well served. Those five councilmembers have responded to the will of the majority who have told us to maintain the present level of City services even though a small property tax increase is required.

Those people who have been paying attention know that we maintained the same property tax rate for the past five years, that we have spent less than our revenues each year for the past three years, and that we have reduced the number of employees significantly in order to live within our means. Councilmembers and I have said on several occasions that City Government should be run more like a business. Obviously, they can't be operated totally alike, because their missions and methods allowed in reaching their goals are very different; however, we should strive continually to inject business-like practices into our system if they make sense for us. In my opinion, approving a budget that continues to include expenditures but cuts revenues is not "running government like a business", and that is exactly what council approved in its Budget wrap-up session.

In my opinion, establishing policy that would require a five percent across the board cutback in personnel is not "running government like a business". I appreciate the fact that the responsible majority did not allow that proposition to prevail. It makes good sense from the standpoint of political rhetoric but is a lousy management decision. You would be hard pressed to explain to the public your reasons for a thirty-position reduction in the Police and Fire Departments at a time when public safety issues are on everyone's mind. There would be another thirty-five positions cut in all of the other departments. In my opinion, passing policy that would require that vacant positions not be filled but be taken off the list permanently is also great politics but bad management. The mere fact that an employee makes a personal decision to retire should not automatically lead any thinking person to assume that the position therefore is not longer needed. In addition, it is common knowledge that many of the best or most competent people leave their positions either to be promoted into other City positions or to move to better jobs outside of City Government.

I share your frustrations regarding a tax increase. I didn't want to recommend one. It goes against everything I have tried to do as Mayor; however, the fact remains that the Federal Government is taking over \$3 million a year away from us through no fault of our own.

Looking at our government from a business perspective, I chose to recommend a Budget that maintains current levels of service except for an increased service level in the Police Department, that recommends increased local revenues to cover part of the loss in Federal revenues, and that includes further personnel reductions, partly attributable to the deletion of an entire department.

I chose to recommend a Budget that could allow us to go several more years without a property tax rate increase. By not approving a one-percent property tax administration fee, we may not be able to go as far, but a 1.7 mill increase will permit us to move forward while we continue to search for ways to cut costs, reduce personnel, and increase efficiency.

Let us continue to work together, whatever position of the Council is willing, in order to deliver the best possible services at the lowest possible cost.

TERRY J. McKane,
Mayor of the City of Lansing

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and bonds:

Rubbish Hauler—Oney Culpepper
Public Driver: Richard H. Wicker
Peddler—Carlton McConnell
Building Wrecker—Swartz Excavating Co.
Auctioneer—Craig A. Whitford

Signed:

SIDNEY P. WORTHINGTON
LOUIS ADADO
PATRICK LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following Ordinances:

Providing for the repeal of Chapter 30 containing sections numbered Section 30-1 through 30-16 of the Code and declaring the same to be null and void and of no effect.

Providing for the repeal of Chapter 33 containing sections numbered Section 33-1 through 33-43 of the Code and declaring the same to be null and void and of no effect.

Providing that a new Chapter 33 containing sections numbered section 33-1 through 33-29 be added to the Code for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses and wreckers and licensing of public drivers reports as follows:

That said Ordinances be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PATRICK LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

May 15, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Raymond C. Frisbie

Dear President Benavides and
Members of Lansing City Council:

On May 14, 1986, Raymond C. Frisbie submitted a claim in the amount of \$214.08. Claimant states that he is the owner of 141 Garden Street and that he received a special assessment for trash removal at that address. Claimant states that on November 13, 1984, 137 Garden Street, the house next door, was inspected and an order to remove trash was issued against that property. Claimant indicates that later some men picked up a trailer load he had sitting on his property at 141 Garden Street, including some new materials which were also on the trailer since he was remodeling. Claimant asserts that it was all a big mistake and that the special assessment on his tax bill should be removed.

Information received from the Building Department indicates that the property at 141 Garden Street was inspected on October 1, 1984. A written notice of

violation was issued to the owner as reflected by the City tax assessor records. The written notice was sent to the 137 Garden Street address since this was the owner as the assessor records indicated. The assessor records were changed on October 29, 1984 to now reflect claimant as owner of 141 Garden Street. Claimant, however, indicates that he did have actual notice of the violation since he received a copy of the written notice.

The procedure established by the Lansing Code of Ordinances requires that written notice be directed to the "owner of record" of the property. Chapter 90A, §(B). The term "owner of record" includes the owner as reflected by the records of the City Tax Assessor's office. Written notice was directed to that owner on October 1, 1984. Only 28 days later the claimant became the new owner of record. In the meantime, since the violation had not been abated, the City issued a contract to pick up the trash. The trash was removed pursuant to that contract.

Based upon the above information, it appears that proper procedures were followed by the City in this case, therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

May 15, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Edward Ryan III

Dear President Benavides and
Members of Lansing City Council:

On April 14, 1986, Edward Ryan III submitted a claim in the amount of \$400. Claimant states that his moped was towed away after the driver of the moped could not produce registration or driver's license. Claimant phoned the towing company and was given the cost of towing and storing charges to release the moped. Claimant then proceeded to the towing company and after arriving was informed that his moped was in fact sold at auction several weeks earlier.

Information from Lansing Police Department indicates that on February 13, 1986 Lansing Police officers stopped claimant's moped. The driver was not wearing a helmet. In addition, the driver did not have a driver's license or registration for the moped. The officer ran a LEIN check on the moped and the LEIN check indicated the moped registered to the claimant, not the driver. The officer sought and received authorization to tow the moped since the driver was not the registered owner and could not lawfully drive away the moped.

On February 19, 1986 traffic follow-up processed the moped as an abandoned vehicle pursuant to the Abandoned Vehicle Code. Information regarding the registered owner was requested from the Secretary of State. Traffic follow-up did not have the information

regarding the registered owner obtained from the LEIN by the initial investigating officer. The information from the Secretary of State revealed no registered owner on file. On March 26, 1986, the moped was sold at auction without notice to the claimant.

Michigan statutory law establishes procedure for processing abandoned vehicles. An abandoned vehicle is defined as any vehicle which remains on public or private property for a period of time so that it appears to the police agency to be abandoned. The police must then, "... send to the registered owner and secured party as shown by the records of the Secretary of State ... notice that the vehicle has been deemed abandoned. MCLA 257.252a..

Technically, the Police Department complied with the provisions of the statute which only requires notice to the registered owner as indicated by the Secretary of State. However, the Police Department had actual knowledge of the registered owner through negotiating the LEIN but failed to forward this information to the traffic follow-up officers. The state of Michigan immunizes a municipality from liability from negligence when engaged in the exercise or discharge of a governmental function. MCLA 691.1407. The term, "governmental function" has been defined as any activity which is expressly or impliedly mandated or authorized by statute or law. *Ross v Consumers Power Co.* 420 Mich 567 (1984). The process of enforcing traffic law and impounding vehicles such as this is clearly such a function.

Based upon the above information it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we do not concur in the recommendation of the City Attorney and this claim be paid in the amount of \$244.00 payable to Edward R. Rayn.

Carried.

May 15, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's office by the Budget Director. (No. 39-43, transfer #41 was voided).

Sincerely,

RITA M. BAUMAN,
City Clerk.

Received and placed on file.

DATE: 5-13-86

TO: Mayor Terry J. McKane & The Lansing
City Council

FROM: James W. Dowsett, Finance Director

SUBJECT: Revised Budget Revenue Estimates for
Fiscal Year 1986-87

RE: Property Tax Revenues—Final Assessment
Totals

Change in Property Tax Revenue Estimates to
Reflect Final Assessment Totals

The City Assessor has provided me with final state equalized values (S.E.V.) to be used for the July-Dec., 1986 tax levies. Total S.E.V. equals \$1,287,859,129 less the captured values of the TIFA districts of \$17,155,300 for a net S.E.V. of \$1,280,703,829. This is an 8/10% of 1% (0.8%) increase from 1985 levels. The City Council should amend the budget revenue estimates for fiscal year 1986-87 to reflect totals for both the general fund and the debt service retirement fund.

Please note that the final S.E.V. is only slightly different than the \$1,280,000,000 estimated in the financial forecast presented during the Council wrap-up agenda on May 1st.

JAMES W. DOWSETT,
Finance Director.

Received and placed on file.

May 15, 1986

Mayor Terry McKane and
Lansing City Council

Dear Mayor McKane and City Council:

Attached you will find two resolutions passed by the EDC Board of Directors at their May 14th meeting. These resolutions request the following actions from the City.

Michigan Products, Inc. As a new project, the mayor will need to appoint two additional directors to the EDC Board, to be confirmed by the Council. The Council will need to approve the Project Area and to establish the Project District Area.

Roselawn Manor. No action is required. With this resolution the two temporary directors are discharged.

Sincerely,

EMERSON OHL,
Executive Director
Lansing EDC.

Referred to the Committee on Economic Development and Mayor.

PROCLAMATION

Whereas, Michigan Week started in a small way more than two decades ago and has grown into a unique tradition which is observed in communities of both Michigan's peninsulas, involving hundreds of people who give unselfishly of time and effort to help their State, promoting its assets in every possible way; and

Whereas, Michigan Week is important to all of us, because it causes us to take an interest in our State, to be aware of what is happening in Michigan's communities; and

Whereas: "Rediscover Michigan" is the theme for the 33rd Annual Observance of Michigan Week, once again giving each of us an opportunity to express our pride in Lansing and in Michigan itself; and

Whereas: In recognition of Michgian Week, we will observe Saturday, May 17, as Community/Home Town Day; Sunday, May 18, as Heritage Day; Monday, May 19, as Government Day; Tuesday, May 20, as Agriculture/Senior Citizen Day; Wednesday, May 21, as Commerce Day; Thursday, May 22, as Education Day; Friday, May 23, as Travel/Tourism/Hospitality Day; and Saturday, May 24, 1986, as Youth/Family Day.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing by the power vested in me, do hereby proclaim the week of May 17 through May 24, 1986, as:

"MICHIGAN WEEK"

In the City of Lansing, and I urge all local citizens to demonstrate their pride in their home State and ask citizens of all ages to work together for its success.

Given under my hand and the Seal of the City of Lansing this ninth day of May in the Year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE,
Mayor.

Received and placed on file.

PROCLAMATION

Whereas, Public works services provided in our community are an integral part of our citizens' every day lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and

Whereas, the health, safety and comfort of this community greatly depend on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction are vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the week of May 18-May 24, 1986, as:

"NATIONAL PUBLIC WORKS WEEK"

in Lansing, and call upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and to recognize the contributions that public works officials make everyday to our health, safety, and comfort.

Given under my hand and the Seal of the City of Lansing this ninth day of May in the year of Our Lord

one thousand nine hundred and eighty-six.

TERRY J. McKane,
Mayor.

Received and placed on file.

DATE: 5/15/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Downtown Neighborhood Association

RE: Support of Mayor's Proposed Budget for FY 86-87 and Requests for Use of FY 86-87 Funds

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

May 15, 1986

City Council President Benavides and Councilmembers

Dear Council President Benavides and Councilmembers:

Last year for the first time the City issued notes in anticipation of July property tax collections for the City and various school districts. These Consolidated Tax Anticipation Notes (CTANS) were extremely beneficial to the school districts due to the improved cash flow resulting from the City's distribution of the note proceeds. The City also directly benefited from this program in that the additional investment income earned exceeded the costs of the program. In addition, the City did not have to pay investment income to the school districts on these tax collections as required by the recent court decision involving the City of Grand Rapids.

For these reasons, I am recommending that the City issue CTANS again this year. Certain amendments currently pending before the State Legislature and expected to be approved will make this program more beneficial to the City and the school districts.

In the next few weeks, I will be submitting to you for your approval the necessary resolutions authorizing the issuance of these notes.

If you have any questions, or would like an update prior to submission of these resolutions, I will make the appropriate staff available.

Sincerely,

TERRY J. McKANE
Mayor.

Received and placed on file.

DATE: May 14, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

DATE: 5/15/86

SUBJECT: Submission of attached correspondence from Finance Director

TO: City Council President Benavides and Councilmembers

RE: Financial Statements of the City

FROM: Terry J. McKane, Mayor

The attached correspondence is submitted for your information.

SUBJECT: Submission of attached correspondence from Director of Planning & Municipal Development

TERRY J. MCKANE,
Mayor.

RE: Convention/Exhibition Facility—Official Name

Referred to the Committee on Ways and Means.

The attached correspondence is submitted for your information.

DATE: 5/15/86

TERRY J. MCKANE,
Mayor.

TO: City Council President Benavides and Councilmembers

Referred to the Committee of the Whole.

FROM: Terry J. McKane, Mayor

DATE: 5/15/86

SUBJECT: Fair Labor Standards Act

TO: City Council President Benavides and Councilmembers

As you are aware, as a result of the *Garcia* decision in Texas, the Federal Fair Labor regulations have been changed. Currently, those regulations are in draft and subject to a comment period through June 2, 1986. When finalized, they will be retroactively effective to April 15, 1986.

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from George E. Kafantaris

I asked the City Attorney to brief you on this matter so that you would share the information available to date. I would recommend, however, that you take no action to modify City policies or practices until after the comment period has ended and we have some idea of the final regulations. There is no point in having to make changes twice in one month.

RE: Resignation from Mall Advisory Board

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: 5/15/86

To insure that no unfunded liability to the City is building, I have instructed all departments and divisions to strictly limit uses of compensatory time until this issue is clarified. This may very well have some service level impacts and I will apprise you of those before you are asked to act on any potential policy changes.

TO: City Council President Benavides and Councilmembers

If you have any questions, staff will attempt to answer them but may not be able to until the final regulations are set and their impact can be assessed.

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from MI. Dept. of Transportation

Received and placed on file.

RE: Sunday Street Closures

DATE: 5/14/86

One July Sunday—South half of Grand River Avenue/Howard Street intersection, north half of Saginaw/Howard Street intersection

TO: City Council President Benavides and Councilmembers

Another July Sunday—South half of Saginaw/Howard Street intersection, south half of Saginaw/Homer Street intersection, south half of Saginaw/Clippert Street intersection

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Tri-County Office on Aging

RE: Extended Work Hours

RE: City of Lansing co-sponsorship of the Civic Center Auditorium and parking lot for Friends for Life, on September 12, 1986.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

TERRY J. MCKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

Referred to the Committee on Ways and Means.

DATE: 4/16/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-4-86, South Side 800 block Armstrong Rd.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 5/14/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Finance Department.

Re: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

RESOLUTION #0200

By COMMITTEE ON GENERAL SERVICES—

Resolved by the City Council of the City of Lansing:

Whereas the Lansing Director of the Building Safety Division determined that the building located at 417 N. Butler legally described as:

417 North Butler (3301-17-231-241), N 2 Rods of the East 8 Rods of Lot 2, Block 10, Claypool Subdivision

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on February 27, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on

May 12, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within forty (40) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By COUNCILMEMBER LINDEMANN—

That this resolution be considered read and affirmative roll attached.

By COUNCILMEMBER CREAMER—

That we amend this resolution to read "20-days" to make-safe or demolish.

Discussion held.

By COUNCILMEMBER BELEN—

That we amend this resolution read "30-days" to make-safe or demolish since we have had so much bad weather and the owner is trying to repair the property.

By COUNCILMEMBER CREAMER—

That we accept this motion to read "30 days" to make-safe or demolish the property.

Carried.

The resolution as amended was adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0201

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division determined that the building located at 1038 N. Cedar legally described as:

1038 North Cedar (3301-09-430-061)
N ½ Lot 14, Assessor's Plat #30 of Block 19,
Original Plat

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on February 27, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on May 12, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES—

RESOLUTION #0202

Resolved by the City Council of the City of Lansing:

That the appoint of Mr. Jesus (Jesse) Arambula to the Traffic Board is hereby confirmed as recommended by the Mayor. Term to expire June, 1986.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES—

RESOLUTION #0203

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing desires to encourage and support shopping and commercial activity in the downtown business area by improving and maintaining the Washington Mall and Environs area by providing landscape maintenance, planter tub maintenance, special cleanup employees, Mall and side street sidewalk snow removal, snow ridge cut throughs and mechanical sweeping; and

Whereas, the City of Lansing has determined that a special assessment district should be established for special assessment; and

Whereas, the City of Lansing has determined that a portion of the costs of providing such services should be recovered by a special assessment of them against properties especially benefitted as authorized by Article II of Chapter 27A of the Lansing Code of Ordinances; and

Whereas, the City of Lansing is in the process of contracting for the maintenance of the Washington Mall and Environs area including landscape maintenance, planter tub maintenance, special cleanup employees, Mall and side street sidewalk snow removal, snow ridge cut throughs and mechanical sweeping; and

Whereas, the Lansing Mall Advisory Board has reviewed the services to be provided under the proposed maintenance program for the properties located within the boundaries of the proposed Special Assessment District; and

Whereas, the Lansing Mall advisory Board recommends that the estimated cost of \$91,164 for providing the services under the proposed maintenance program be assessed against the properties situated within the boundaries of the Special Assessment District and that the services be provided to those properties as set forth in the proposed maintenance program;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing proposes to establish a special assessment district for the maintenance of the Washington Mall and Environs area as follows:

Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on N. Grand Avenue (both sides) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (both sides—exclude Reutter Park) to W. Allegan and on Capitol Avenue (E. side only) N. to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the

following east and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo; and

Be It Further Resolved that the City of Lansing proposes that 50% of the planter tub maintenance and 100% of the costs of special cleanup employees, snow removal and mechanical sweeping within the special assessment district be recovered by a special assessment of these costs against the properties especially benefitted; and

Be It Further Resolved that the estimated cost of \$91,164 associated with this maintenance project shall be assessed against the properties situated within the boundaries of the above special assessment district and specifically benefitted for the above described services; and

Be It Further Resolved that the City Assessor make out an assessment roll assessing all Washington Mall properties on the basis of each property's total front footage for those services specifically provided and assessing all Side Street Environs properties on the basis of each property's total front footage for those services specifically provided; and

Be It Further Resolved that the City Clerk publish notice of the hearing to indicate that the City of Lansing proposes to establish a special assessment district for the maintenance of the Washington Mall and Environs and to assess the cost of \$91,164 associated with this maintenance project against the properties situated within the boundaries of the special assessment district on the basis of each property's total front footage for those services specifically provided.

Be It Finally Resolved that a public hearing is to be held in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan, June 2, 1986, at 7:00 p.m. in regard to the setting of boundaries of the special assessment district, the estimated cost of the special assessment and the proportion of the amount to be assessed.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Blair, Creamer, Schmidt, Worthington—7.

Nays—Councilmember Lindemann—1.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0204

Resolved by the City Council of the City of Lansing:

Whereas, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit a Final Statement of Community Development Objectives and Projected Use of Funds (list of proposed activities) in order to receive a Community Development Block Grant (CDBG) Entitlement Grant for the Twelfth Fiscal Year (7/1/86 to 6/30/87); and

Whereas, the estimated CDBG entitlement amount allocated to Lansing is \$1,525,000; and

Whereas, funds derived from Community Development Program Income, and reprogrammed funds, from the tenth year, Fiscal Year 1985 (7/1/84 to

6/30/85) and eleventh year, Fiscal Year 1986 (7/1/85) to 6/30/86) will be added to the Total Block Grant Resources; and

Whereas, HUD requires that the City publish community-wide a "Draft Statement of Objectives and Projected Use of Funds" to provide citizens the opportunity to submit comments on the proposal; and

Whereas, the "Draft Statement of Objectives and Projected Use of Funds" was published in the Lansing State Journal on December 24, 1985; and

Whereas a public hearing was held by the Lansing Planning Board on January 7, 1986, to invite comments on the draft statement of community development objectives, projected use of funds and budget and the City of Lansing's performance and progress with CDBG activities; and

Whereas, the Lansing Planning Board at their regular meeting on February 4, 1986, after considering comments received, recommended that the CDBG Statement of Objectives, Projects and Budget be approved; and

Whereas, HUD further requires that the City of Lansing make available a "Final Statement of Community Development Objectives and Projected Use of Funds" for the Fiscal Year 1987; and

Whereas, a public hearing was held by the Lansing City Council on May 12, 1986, to receive citizen comments and recommendations and to review the twelfth year CDBG Final Statement of Objectives and Projected Use of Funds; and

Whereas, federal regulations require the City to make certain certifications and assurances to HUD as part of the City's application under the CDBG;

Now, Therefore, Be It Resolved, that the City Council adopts the "Final Statement of Objectives and Projected Use of Funds" for the twelfth program year; and

Be It Further Resolved, that the Mayor as Chief Executive Officer be authorized to submit and sign the application, after satisfactory review, including all understandings, assurances and certifications, contained therein, is directed to provide such additional information as may be required, and is authorized, as the official representative of the City of Lansing, to act in connection with the CDBG submission and to execute all contracts and legal documents to secure and implement the CDBG Program.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT II

RESOLUTION #0205

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That the plans and specifications returned by the Department of Public Service in pursuance of the resolution of this Council.

Resolution date—4/14/86
P.S. #17029 Sanitary

Property Benefited—All lands fronting on E. Sheridan Rd. from the existing sewer at 810 E. Sheridan Rd. West approx. 400 ft. to serve Lot 29 of Woodlawn Sub. (710 E. Sheridan Rd.) excepting all public streets & alleys & other lands deemed not benefited.

Resolution date—4/14/86

P.S. #16045 Sanitary

Property Benefited—All lands fronting on W. Sheridan Road from Turner St. East to 110 E. Sheridan Rd. excepting all public streets and alleys and other lands deemed not benefited.

Resolution date—4/14/86

P.S. #16028 Sanitary

Property Benefited—All lands fronting on Walker St. from Sheridan Road south approximately 600 ft. excepting all public streets and alleys and other lands deemed not benefited.

Resolution date—4/14/86

ordered

P.S. #84016—Storm

Property Benefited—All lands fronting on Grovenburg Rd. from end of existing to approx. 115 ft. S. & continuing from LaBelle Rd. S. Approx. 435 Ft. to intersection of Edgewood Rd. excepting all public streets and alleys and other lands deemed not benefited.

Resolution date—4/14/86 ordered

P.S. #87056

Property Benefited—Sanitary Outlet Sewer crossing E. Willoughby Rd. from the N. side of Kingdon Ave. to the S. side of Road, excepting all public streets & alleys and other lands deemed not benefited.

PS 16045, Assessment Roll No.—300, San. Intersection and City Contribution—\$102,800.00* **, Assessable to Property Owners—\$42,800.00, Total—Project Cost—\$145,600.00

San. Stubs—Intersection and City Contribution—0.00, Assessable to Property Owners—\$8,700.00, Total Project Cost—\$8,700.00

San. Total—Intersection and City Contribution—\$102,800.00, Assessable to Property Owners—\$51,500.00, Total Project Cost—\$154,300.00

San. Pumping Station—Intersection and City Contribution—\$52,200.00***, Assessable to Property Owners—\$0.00, Total Project Cost—\$52,200.00

Storm—Intersection and City Contribution—\$3,500.00****, Assessable to Property Owners—\$25,800.00, Total Project Cost—\$29,300.00.

Total Project Cost—Intersection and City Contribution—\$158,500.00, Assessable to Property Owners—\$77,300.00, Total Project Cost—\$235,800.00.

That the Purchasing Director be directed to advertise and let for bid the specifications for said projects as submitted by the Department of Public Service.

That the City Assessor be, and is directed, to make special assessment installment rolls, based upon bids to be received and other related costs of construction, and return same to the City Council.

*88,500.00—590-536-608-974

**14,300.00—590-536-610-974

***52,200.00—590-536-615-974

****401,787-010-974.697

I hereby certify that funds are available for the City of Lansing's share of said project.

All projects are a part of the Sheridan Road Pumping Station & other sewers, PS 16045.

CHARLES S. REMENAR,
Deputy Controller.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT I

RESOLUTION #0206

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct curb and gutter in Cypress Street from Roosevelt to Knollwood Streets.

A petition (See Petition #CG-1-86 on file with the City Clerk) Signed by 67% of the benefited owners, signed by owners of 80% of the benefited frontage.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0207

Resolved by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct curb and gutter in Tressa Drive from Jolly Road on the north end of street.

A petition for (See Petition #CG-2-86 on file with the City Clerk) signed by 63% of the benefited owners, signed by owners of 60% of the benefited frontage.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Storm Sewer in Tressa Drive from Jolly Road to the north end of the street.

A petition (See Petition #S-3-85 on file with the City Clerk) signed by 57% of the benefited owners, signed by owners of 53% of the benefited frontage.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

SIDEWALK RESOLUTION

By PHYSICAL DEVELOPMENT COMMITTEE—
RESOLUTION #0209

P.S. #38049
Lansing, Michigan, 1986

Resolved by the City Council of the City of Lansing:

That it is a necessary public improvement and it is hereby ordered that the sidewalk shall be reconstructed in front of, or adjacent to the following described properties:

Parcel Number	Property Address	50/50 Shared Responsi- bility Square Feet		100% City Re- sponsi- bility Square Feet	
		DEPTH 4''	6''	DEPTH 4''	6''
3301-14-154-191	2201 E. Michigan	220.0	80.0	60.0	
3301-14-154-181	114 N. Hayford	20.0		40.0	
3301-14-154-171	116 N. Hayford	40.0		35.0	
3301-14-154-161	118 N. Hayford	40.0		65.0	
3301-14-154-151	122 N. Hayford	80.0			
3301-14-154-141	124 N. Hayford	40.0	20.0		
3301-14-154-131	126 N. Hayford	20.0			
3301-14-154-121	130 N. Hayford		20.0		20.0
3301-14-154-111	134 N. Hayford	40.0	20.0		
3301-14-154-101	200 N. Hayford	40.0	20.0		
3301-14-154-091	204 N. Hayford	40.0	40.0		
3301-14-154-081	206 N. Hayford	55.0	25.0	80.0	
3301-14-154-071	212 N. Hayford	20.0	50.0		
3301-14-154-061	216 N. Hayford	15.0		20.0	
3301-14-154-051	218 N. Hayford	115.0	20.0		
3301-14-154-041	222 N. Hayford	20.0	5.0	20.0	
3301-14-154-021	228 N. Hayford	140.0			
3301-14-154-011	232 N. Hayford	110.0	10.0		
3301-14-154-001	234 N. Hayford	40.0		40.0	
3301-14-153-241	2215 E. Michigan	30.0		275.0	
3301-14-153-251	Vacant	60.0	80.0		
3301-14-153-261	121 N. Hayford		10.0		
3301-14-153-271	123 N. Hayford	30.0	20.0		
3301-14-153-281	125 N. Hayford	40.0			
3301-14-153-291	127 N. Hayford	60.0			
3301-14-153-301	131 N. Hayford	40.0		40.0	
3301-14-153-311	135 N. Hayford	60.0		40.0	
3301-14-153-321	201 N. Hayford	60.0	20.0		
3301-14-153-331	205 N. Hayford	75.0	25.0		
3301-14-153-341	207 N. Hayford	37.5		60.0	75.5
3301-14-153-351	211 N. Hayford	40.0			
3301-14-153-361	213 N. Hayford	20.0		40.0	

3301-14-153-731	217 N. Hayford	60.0		40.0	
3301-14-153-381	219 N. Hayford	105.0			
3301-14-153-391	223 N. Hayford	110.0	35.0		
3301-14-153-401	225 N. Hayford	35.0	10.0	80.0	
3301-14-153-411	229 N. Hayford	50.0	35.0	25.0	15.0
3301-14-153-421	231 N. Hayford			50.0	30.0
3301-14-153-431	235 N. Hayford	60.0			
INTERSECTION Hayford & Vine					
3301-14-110-221	300 N. Hayford	60.0	20.0		80.0
3301-14-110-211	302 N. Hayford	55.0	25.0		
3301-14-110-201		20.0			
3301-14-110-191	310 N. Hayford	20.0	30.0	60.0	
3301-14-110-181	312 N. Hayford	75.0	50.0		
3301-14-110-171	316 N. Hayford	15.0	50.0		
3301-14-110-161	318 N. Hayford	40.0	20.0		
3301-14-110-151	322 N. Hayford	60.0	20.0		
3301-14-110-141	328 N. Hayford	20.0		40.0	
3301-14-110-131	330 N. Hayford	40.0			
3301-14-110-121	332 N. Hayford	60.0	40.0	50.0	
3301-14-110-111	400 N. Hayford			50.0	
3301-14-110-101	404 N. Hayford			20.0	60.0
3301-14-110-091	406 N. Hayford	80.0			
3301-14-110-081	410 N. Hayford	65.0	15.0		
3301-14-110-071	412 N. Hayford			20.0	
3301-14-110-061	414 N. Hayford	60.0			
3301-14-110-051	418 N. Hayford	35.0	45.0		
3301-14-110-031	424 N. Hayford	17.5	40.0		
3301-14-110-021	428 N. Hayford	50.0			
3301-14-110-011	430 N. Hayford	100.0			
3301-14-110-001	434 N. Hayford	40.0	50.0		
3301-14-109-261	Vacant	40.0			
3301-14-109-271	303 N. Hayford	30.0	35.0		
3301-14-109-281	307 N. Hayford	50.0			
3301-14-109-291	311 N. Hayford	40.0			
3301-14-109-311	317 N. Hayford	20.0		60.0	
3301-14-109-321	319 N. Hayford	20.0		40.0	
3301-14-109-331	323 N. Hayford	40.0	15.0		
3301-14-109-341	325 N. Hayford	85.0	35.0		
3301-14-109-351	329 N. Hayford	40.0			
3301-14-109-361	331 N. Hayford	50.0	110.0		
3301-14-109-382	337 N. Hayford	50.0	30.0	80.0	
3301-14-109-391	410 N. Hayford	55.0	45.0		
3301-14-109-401	403 N. Hayford			100.0	
3301-14-109-411	407 N. Hayford	20.0			
3301-14-109-421	411 N. Hayford	20.0		40.0	
3301-14-109-431	413 N. Hayford	23.0			
3301-14-109-441	415 N. Hayford	20.0	50.0		
3301-14-109-451	419 N. Hayford	20.0	36.0	10.0	
3301-14-109-461	423 N. Hayford	20.0	20.0		
3301-14-109-471	425 N. Hayford	60.0	20.0		
3301-14-109-481	429 N. Hayford	40.0	85.0		
3301-14-109-491	431 N. Hayford	60.0	40.0		
3301-14-109-501	435 N. Hayford	80.0			
INTERSECTION Hayford-Fernwood					
3301-14-105-221	500 N. Hayford			57.5	75.0
3301-14-105-211	502 N. Hayford	60.0			
3301-14-105-201	506 N. Hayford	20.0		40.0	
3301-14-105-191	508 N. Hayford	17.5	40.0		
3301-14-105-181	510 N. Hayford			65.0	45.0
3301-14-105-171	516 N. Hayford	40.0	17.5	60.0	
3301-14-105-161	518 N. Hayford	95.0	35.0		
3301-14-105-151	522 N. Hayford	30.0	80.0		
3301-14-105-141	524 N. Hayford	40.0		60.0	
3301-14-105-131	526 N. Hayford	50.0	10.0		
3301-14-105-121	528 N. Hayford	20.0			
3301-14-105-111	600 N. Hayford	90.0	40.0		
3301-14-105-101	604 N. Hayford			60.0	
3301-14-105-091	606 N. Hayford		15.0		
3301-14-105-081	610 N. Hayford	47.5	45.0		
3301-14-105-071	616 N. Hayford	50.0			
3301-14-105-061	615 N. Hayford	80.0			
3301-14-105-051	622 N. Hayford	40.0	12.5		
3301-14-105-041	624 N. Hayford	75.0	35.0		
3301-14-105-031	628 N. Hayford			110.0	10.0
3301-14-105-021	634 N. Hayford	40.0	20.0		
3301-14-104-251	501 N. Hayford	30.0		60.0	
3301-14-104-261	503 N. Hayford			40.0	
3301-14-104-271	507 N. Hayford	20.0			
3301-14-104-281	509 N. Hayford	40.0		60.0	
3301-14-104-301	519 N. Hayford			120.0	
3301-14-104-311	523 N. Hayford			95.0	5.0
3301-14-104-321	525 N. Hayford		40.0		
3301-14-104-331	527 N. Hayford	20.0		20.0	
3301-14-104-351	601 N. Hayford	20.0		80.0	
3301-14-104-361	605 N. Hayford	20.0			
3301-14-104-371	607 N. Hayford	15.0			
3301-14-104-381	611 N. Hayford	45.0			
3301-14-104-391	617 N. Hayford	80.0			
3301-14-104-401	619 N. Hayford	60.0			

3301-14-104-411	623 N. Hayford	40.0			3301-14-104-141	530 N. Magnolia	72.0		
3301-14-104-421	625 N. Hayford	20.0			3301-14-104-131	600 N. Magnolia	48.0		
3301-14-104-431	629 N. Hayford	20.0	20.0		3301-14-104-101	608 N. Magnolia	72.0	60.0	12.0
3301-14-104-441	633 N. Hayford	40.0			3301-14-104-091	608 N. Magnolia	96.0		
3301-14-104-451	637 N. Hayford	100.0			3301-14-104-081	612 N. Magnolia	156.0	12.0	
3301-14-104-461	639 N. Hayford		100.0		3301-14-104-071	612 N. Magnolia	72.0		
					3301-14-104-051	624 N. Magnolia	24.0		72.0
3301-14-153-201	2201 Michigan Ave.	24.0	96.0		3301-14-104-031	630 N. Magnolia	300.0	12.0	
3301-14-153-191	108 N. Magnolia	63.0	24.0		3301-14-104-011	636 N. Magnolia	120.0		
3301-14-153-181	110 N. Magnolia	48.0			3301-14-104-001	640 N. Magnolia	216.0		
3301-14-153-171	112 N. Magnolia	24.0	96.0		3301-14-108-421	431 N. Magnolia	96.0		
3301-14-153-161	116 N. Magnolia	144.0	24.0	36.0	3301-14-108-431	435 N. Magnolia	72.0		
3301-14-153-152	124 N. Magnolia	48.0		36.0	3301-14-103-231	501 N. Magnolia	180.0		
3301-14-153-142	128 N. Magnolia	24.0			3301-14-103-241	505 N. Magnolia	72.0	60.0	
3301-14-153-131	130 N. Magnolia		24.0	60.0	3301-14-103-251	507 N. Magnolia			72.0
3301-14-153-121	134 N. Magnolia	54.0	138.0		3301-14-103-261	509 N. Magnolia	174.0		
3301-14-153-111	200 N. Magnolia	48.0	36.0		3301-14-103-271	513 N. Magnolia	66.0	36.0	
3301-14-153-101	204 N. Magnolia	24.0	48.0		3301-14-103-281	517 N. Magnolia	72.0	6.0	
3301-14-153-091	206 N. Magnolia	54.0			3301-14-103-291	523 N. Magnolia	24.0		
3301-14-153-081	210 N. Magnolia	24.0	24.0		3301-14-103-301	525 N. Magnolia	90.0		
3301-14-153-071	212 N. Magnolia		72.0		3301-14-103-311	527 N. Magnolia		30.0	72.0
3301-14-153-061	216 N. Magnolia	24.0			3301-14-103-331	601 N. Magnolia	48.0	36.0	
3301-14-153-041	222 N. Magnolia		18.0		3301-14-103-341	605 N. Magnolia	84.0	48.0	48.0
3301-14-153-031	224 N. Magnolia	144.0	24.0		3301-14-103-361	609 N. Magnolia	24.0		48.0
3301-14-153-021	228 N. Magnolia	48.0			3301-14-103-381	617 N. Magnolia	132.0	6.0	
3301-14-153-001	234 N. Magnolia	48.0			3301-14-103-391	619 N. Magnolia		6.0	
3301-14-152-181	2121 Michigan		108.0	60.0	3301-14-103-431	631 N. Magnolia	48.0		
3301-14-152-201	111 N. Magnolia	72.0	60.0						
3301-14-152-211	119 N. Magnolia	24.0		18.0 54.0	3301-14-151-171	2101 Michigan	120.0		
3301-14-152-221	123 N. Magnolia	96.0	48.0		3301-14-152-161	116 N. Fairview	90.0	40.0	
3301-14-152-231	125 N. Magnolia	48.0	66.0	48.0	3301-14-152-151	118 N. Fairview	20.0		
3301-14-152-241	129 N. Magnolia	30.0			3301-14-152-141	122 N. Fairview	40.0		
3301-14-152-251	131 N. Magnolia		96.0		3301-14-152-131	124 N. Fairview	40.0		
3301-14-152-261	201 N. Magnolia	72.0	48.0		3301-14-152-121	128 N. Fairview		20.0	
3301-14-152-271	205 N. Magnolia	144.0			3301-14-152-111	130 N. Fairview	10.0	100.0	
3301-14-152-281	207 N. Magnolia		144.0		3301-14-152-101	134 N. Fairview	70.0	30.0	40.0
3301-14-152-301	213 N. Magnolia		144.0	24.0	3301-14-152-091	200 N. Fairview	30.0	40.0	100.0
3301-14-152-311	217 N. Magnolia	24.0	24.0	24.0	3301-14-152-061	212 N. Fairview			
3301-14-152-321	223 N. Magnolia	24.0	24.0	96.0	3301-14-152-041	216 N. Fairview	70.0	50.0	
3301-14-152-331	225 N. Magnolia	24.0	24.0	72.0	3301-14-152-031	218 N. Fairview	60.0		
3301-14-152-361	233 N. Magnolia		24.0		3301-14-152-021	226 N. Fairview	20.0		
INTERSECTION	Magnolia & Vine		188.0	130.0	3301-14-152-011	230 N. Fairview		60.0	
3301-14-109-241	300 N. Magnolia	24.0			3301-14-156-126	2035 Michigan	142.5		
3301-14-109-201	312 N. Magnolia		45.0		3301-14-156-122	2021 E. Michigan	120.0		
3301-14-109-191	316 N. Magnolia	120.0			3301-14-156-052	2021 E. Michigan			120.0
3301-14-109-171	322 N. Magnolia	72.0			3301-14-156-131	117 N. Fairview	*130.0	*50.0	
3301-14-109-161	324 N. Magnolia	96.0			3301-14-156-141	119 N. Fairview		60.0	
3301-14-109-141	334 N. Magnolia	72.0			3301-14-156-151	123 N. Fairview		40.0	40.0
3301-14-109-131	334 N. Magnolia		24.0	144.0	3301-14-156-161	2020 Jerome		40.0	80.0
3301-14-109-121	336 N. Magnolia	117.0			3301-14-151-161	2023 Jerome		100.0	80.0
3301-14-109-111	400 N. Magnolia	66.0	6.0		3301-14-151-171	209 N. Fairview	50.0		70.0
3301-14-109-101	404 N. Magnolia	48.0			3301-14-151-181	217 N. Fairview	40.0		
3301-14-109-091	406 N. Magnolia		48.0		3301-14-151-191	221 N. Fairview	40.0	40.0	
3301-14-109-081	408 N. Magnolia	42.0			3301-14-151-201	223 N. Fairview	20.0		
3301-14-109-071	410 N. Magnolia	78.0			3301-14-151-211	225 N. Fairview	10.0	10.0	
3301-14-109-051	416 N. Magnolia		24.0	144.0	3301-14-151-221	229 N. Fairview		30.0	60.0
3301-14-109-041	420 N. Magnolia		24.0		3301-14-151-231	231 N. Fairview		30.0	
3301-14-109-041	422 N. Magnolia			48.0 24.0	3301-14-151-241	235 N. Fairview	40.0		60.0
3301-14-109-031	424 N. Magnolia	90.0			3301-14-108-201	300 N. Fairview	100.0		
3301-14-109-021	426 N. Magnolia	102.0			3301-14-108-191	304 N. Fairview	105.0		
3301-14-108-211	303 N. Magnolia	48.0	120.0		3301-14-108-181	306 N. Fairview	40.0	15.0	60.0
3301-14-108-231	307 N. Magnolia	24.0			3301-14-108-171	312 N. Fairview	100.0	40.0	
3301-14-108-241	311 N. Magnolia	120.0	24.0		3301-14-108-161	318 N. Fairview	15.0	25.0	140.0
3301-14-108-251	313 N. Magnolia		24.0		3301-14-108-151	322 N. Fairview	20.0		100.0
3301-14-108-261	317 N. Magnolia		72.0		3301-14-108-141	326 N. Fairview	20.0		
3301-14-108-271	319 N. Magnolia	24.0	24.0	72.0	3301-14-108-131	328 N. Fairview			80.0
3301-14-108-281	321 N. Magnolia	72.0	48.0	72.0 6.0	3301-14-108-122	332 N. Fairview	40.0		60.0
3301-14-108-291	325 N. Magnolia	96.0	48.0		3301-14-108-112	336 N. Fairview	20.0	40.0	40.0
3301-14-108-301	327 N. Magnolia	126.0	54.0		3301-14-108-102	400 N. Fairview		20.0	
3301-14-108-311	331 N. Magnolia	30.0		72.0	3301-14-108-091	402 N. Fairview	20.0	20.0	120.0
3301-14-108-321	335 N. Magnolia	24.0			3301-14-108-061	412 N. Fairview		40.0	
3301-14-108-331	337 N. Magnolia		*96.0		3301-14-108-041	418 N. Fairview	40.0		
3301-14-108-331	337 N. Magnolia	108.0			3301-14-108-031	420 N. Fairview	10.0		
3301-14-108-341	405 N. Magnolia	72.0			3301-14-108-021	424 N. Fairview	45.0	45.0	
3301-14-108-361	411 N. Magnolia	24.0	117.0	12.0	3301-14-108-011	426 N. Fairview	20.0	20.0	
3301-14-108-371	415 N. Magnolia	36.0	36.0	60.0	3301-14-107-271	303 N. Fairview	40.0		50.0
3301-14-108-381	419 N. Magnolia	60.0			3301-14-107-281	305 N. Fairview			100.0
3301-14-108-391	423 N. Magnolia		96.0		3301-14-107-301	311 N. Fairview	120.0	47.5	
3301-14-108-411	427 N. Magnolia	120.0			3301-14-107-311	317 N. Fairview	20.0		
					3301-14-107-321	319 N. Fairview	10.0	10.0	
INTERSECTION	Magnolia-Fernwood		192.0	243.0	3301-14-107-341	325 N. Fairview			100.0
3301-14-109-011	430 N. Magnolia	96.0	48.0		3301-14-107-381	337 N. Fairview	137.5		
3301-14-109-001	434 N. Magnolia		24.0		3301-14-107-401	405 N. Fairview	20.0	40.0	
3301-14-104-221	504 N. Magnolia	48.0			3301-14-107-411	407 N. Fairview	20.0		120.0
3301-14-104-211	511 N. Magnolia		26.0		3301-14-107-421	413 N. Fairview	40.0		20.0
3301-14-104-201	508 N. Magnolia	24.0	24.0		3301-14-107-431	415 N. Fairview			60.0
3301-14-104-191	516 N. Magnolia	60.0	12.0		3301-14-107-441	421 N. Fairview	55.0	25.0	40.0
3301-14-104-181	518 N. Magnolia	120.0			3301-14-107-451	425 N. Fairview	20.0	20.0	20.0
3301-14-104-171	520 N. Magnolia	6.0	72.0		3301-14-107-461	427 N. Fairview	20.0		
3301-14-104-161	524 N. Magnolia	156.0			INTERSECTION	Fairview-Fernwood			50.0
3301-14-104-151	528 N. Magnolia	120.0							

3301-14-108-431	435 Magnolia	240.0				3301-11-353-211	719 N. Hayford		20.0	
3301-14-104-231	500 Magnolia	40.0	60.0	87.5		3301-11-353-221	723 N. Hayford			40.0
3301-14-104-241	2213 Fernwood	25.0		43.0		3301-11-353-241	729 N. Hayford			20.0
3301-14-109-001	434 Magnolia	120.0		40.0		3301-11-353-251	731 N. Hayford	40.0		60.0
3301-14-109-521	2210 Fernwood	40.0		20.0		3301-11-353-271	801 N. Hayford	20.0		60.0
3301-14-109-511	2212 Fernwood	40.0		20.0		3301-11-353-281	Vacant			20.0
3301-14-109-501	436 Hayford	60.0				3301-11-353-291	811 N. Hayford	80.0	40.0	
3301-14-105-221	500 Hayford	20.0		60.0		3301-11-353-301	817 N. Hayford		40.0	20.0
3301-14-105-251	501 Foster			40.0		3301-11-353-311	819 N. Hayford		40.0	20.0
3301-14-110-001	434 Hayford	80.0		30.0		3301-11-353-321	823 N. Hayford			20.0
3301-14-110-441	435 Foster	100.0		25.0		3301-11-353-331	827 N. Hayford			80.0
3301-14-126-241	500 Foster	150.0	60.0	110.0		3301-11-353-341	2220 E Gr. River	60.0		40.0
3301-14-126-251	2411 Fernwood	100.0								
3301-14-126-261	2415 Fernwood			20.0		INTERSECTION	Magnolia-Saginaw			70.0 85.0
3301-14-126-271	501 Francis	20.0				3301-11-353-151	702 Magnolia			40.0
3301-14-136-001	434 Foster	200.0		95.0		3301-11-353-141	712 Magnolia	35.0	60.0	
3301-14-136-441	2410 Fernwood	20.0	10.0			3301-11-353-131	714 Magnolia	50.0	42.5	
3301-14-136-431	2412 Fernwood	40.0		60.0		3301-11-353-121	718 Magnolia	21.0	25.0	
3301-14-136-421	435 Francis	20.0	20.0	60.0		3301-11-353-111	722 Magnolia	42.5	25.0	
INTERSECTION	E. Saginaw-Francis		105.0	70.0		3301-11-353-101	724 Magnolia			10.0 10.0
3301-11-377-131	712 N. Francis		20.0			3301-11-353-091	726 Magnolia			42.5
3301-11-377-111	718 N. Francis		60.0			3301-11-353-081	730 Magnolia	30.0		40.0
3301-11-377-101	724 N. Francis		60.0			3301-11-353-071	732 Magnolia	40.0	40.0	
3301-11-377-071	800 N. Francis	25.0	20.0			3301-11-353-061	800 Magnolia	20.0	40.0	
3301-11-377-061	806 N. Francis	20.0				3301-11-353-051	804 Magnolia	140.0		
3301-11-377-051	810 N. Francis	20.0		60.0		3301-11-353-041	808 Magnolia	80.0		
3301-11-377-041	814 N. Francis		40.09	20.0		3301-11-353-031	816 Magnolia	55.0	20.0	102.5
3301-11-377-031	820 N. Francis	70.0	30.0			3301-11-353-021	822 Magnolia			50.0
3301-11-377-011	828 N. Francis			40.0		3301-11-352-151	703 Magnolia	75.0		
3301-11-377-001	2500 E. Gr. River			40.0		3301-11-352-161	707 Magnolia	40.0	45.0	40.0
3301-11-376-141	703 N. Francis	12.5	30.0	60.0		3301-11-352-171	711 Magnolia	40.0	30.0	
3301-11-376-151	705 N. Francis	65.0	35.0	40.0		3301-11-352-181	713 Magnolia	60.0	30.0	
3301-11-376-161	713 N. Francis	40.0		20.0		3301-11-352-191	717 Magnolia		40.0	20.0
3301-11-376-171	717 N. Francis	60.0				3301-11-352-201	719 Magnolia	20.0		
3301-11-376-181	719 N. Francis	20.0				3301-11-352-211	723 Magnolia			40.0
3301-11-376-191	723 N. Francis	60.0	20.0	70.0		3301-11-352-231	729 Magnolia			40.0
3301-11-376-201	727 N. Francis	20.0				3301-11-352-241	Vacant	20.0	60.0	
3301-11-376-211	729 N. Francis	20.0		20.0		3301-11-352-251	733 Magnolia	40.0	10.0	60.0
3301-11-376-231	735 N. Francis	42.5				3301-11-352-261	Vacant	10.0		40.0
3301-11-376-241	801 N. Francis	100.0	40.0			3301-11-352-271	803 Magnolia	20.0	20.0	
3301-11-376-251	805 N. Francis			29.0		3301-11-352-281	807 Magnolia		50.0	80.0
3301-11-376-261	807 N. Francis	20.0	20.0	60.0		3301-11-352-291	809 Magnolia	120.0	40.0	
3301-11-376-271	811 N. Francis	60.0	20.0			3301-11-352-301	813 Magnolia	60.0		40.0
3301-11-376-281	813 N. Francis	60.0		45.0		3301-11-352-311	817 Magnolia		40.0	60.0
3301-11-376-291	815 N. Francis			80.0		3301-11-352-321	819 Magnolia	47.5	35.0	
3301-11-376-301	819 N. Francis	20.0	18.0	40.0		3301-11-352-331	823 Magnolia	50.0		
3301-11-376-311	825 N. Francis	120.0		20.0		3301-11-352-341	2120 E. Gr. River	40.0	60.0	25.0
3301-11-376-32	833-N. Francis	40.0	20.0	60.0		INTERSECTION	Saginaw-Fairview			160.0 219.0
INTERSECTION	E. Saginaw-Foster		60.0 177.0			3301-11-352-141	702 Fairview	47.5		80.0
3301-11-376-131	704 N. Foster		80.0			3301-11-352-121	708 Fairview	40.0	20.0	75.0
3301-11-376-121	708 N. Foster		40.0			3301-11-352-111	714 Fairview	20.0		
3301-11-376-111	712 N. Foster		20.0			3301-11-352-091	720 Fairview	10.0	10.0	
3301-11-376-101	718 N. Foster	60.0				3301-11-352-081	726 Fairview	25.0	15.0	
3301-11-376-091	720 N. Foster	20.0		60.0		3301-11-352-071	730 Fairview	40.0		80.0
3301-11-376-081	726 N. Foster			60.0		3301-11-352-051	802 Fairview	40.0	20.0	
3301-11-376-071	730 N. Foster	15.0	5.0	20.0		3301-11-352-041	808 Fairview	20.0		40.0 20.0
3301-11-376-061	Vacant	20.0		20.0		3301-11-352-031	814 Fairview	20.0	45.0	60.0
3301-11-376-051	Vacant			60.0		3301-11-352-021	818 Fairview	95.0	10.0	
3301-11-376-031	812 N. Foster		140.0			3301-11-352-011	822 Fairview		30.0	
3301-11-376-021	816 N. Foster	20.0		60.0		2100 E. Gr. River		20.0		
3301-11-376-001	850 N. Foster	40.0		80.0	20.0	INTERSECTION	Gr. River-Fairview			25.0 40.0
3301-11-354-181	701 N. Foster			80.0		3301-11-352-351	2118 E. Gr. River	20.0	20.0	
3301-11-354-191	709 N. Foster			40.0		3301-11-352-341	2120 E. Gr. River	30.0		
3301-11-354-201	715 N. Foster	40.0				INTERSECTION	Gr. River & Magnolia			58.0 45.0
3301-11-354-211	717 N. Foster		20.0			3301-11-353-001	2200 E. Gr. River	50.0		
3301-11-354-231	727 N. Foster	80.0				3301-11-353-371	2204 E. Gr. River		20.0	
3301-11-354-241	801 N. Foster	40.0		40.0		3301-11-353-361	Vacant	60.0		
3301-11-354-251	807 N. Foster		20.0	40.0		3301-11-353-351	2214 E. Gr. River	60.0	22.5	
3301-11-354-261	811 N. Foster	20.0				3301-11-353-341	2220 E. Gr. River	175.0	72.5	
3301-11-354-271	817 N. Foster	60.0				INTERSECTION	Gr. River-Hayford			60.0
3301-11-354-281	821 N. Foster			40.0		3301-11-354-001	2300 E. Gr. River	20.0		
3301-11-354-291	829 N. Foster	20.0		60.0		3301-11-354-311	2306 E. Gr. River	35.0		20.0
INTERSECTION	E. Saginaw-Hayford		125.0 160.0			3301-11-354-301	2314 E. Gr. River	145.0	20.0	15.0
3301-11-354-161	702 N. Hayford	20.0		20.0		3301-11-354-291	829 Foster			45.0
3301-11-354-141	710 N. Hayford	30.0	20.0			INTERSECTION	Gr. River & Foster			168.0 110.0
3301-11-354-131	712 N. Hayford	120.0				3301-11-376-341	2406 E. Gr. River	20.0	20.0	150.0
3301-11-354-114	718 N. Hayford	115.0	20.0			3301-11-376-331	2416 E. Gr. River	40.0		20.0
3301-11-354-091	724 N. Hayford			160.0		3301-11-376-321	833 Francis			60.0
3301-11-354-081	730 N. Hayford	60.0				INTERSECTION	Gr. River-Francis			65.0 53.0
3301-11-354-051	804 N. Hayford	20.0	20.0			3301-11-377-001	2500 E. Gr. River	42.5	25.0	100.0
3301-11-354-041	806 N. Hayford	40.0				3301-11-377-281	2510 E. Gr. River	25.0		
3301-11-354-031	810 N. Hayford			60.0		INTERSECTION	Gr. River-Downer			45.0 33.0
3301-11-354-021	816 N. Hayford	40.0		40.0		3301-11-378-001	828 Downer			40.0
3301-11-354-011	818 N. Hayford	20.0		40.0		3301-11-378-341	2610 E. Gr. River	25.0		
3301-11-354-001	2300 E. Gr. River	40.0				3301-11-379-001	830 Newton	40.0		
3301-11-353-161	703 N. Hayford	40.0	20.0			3301-11-379-331	2708 E. Gr. River	20.0		
3301-11-353-171	707 N. Hayford		60.0							
3301-11-353-181	711 N. Hayford	20.0								
3301-11-353-191	713 N. Hayford	20.0	20.0							
3301-11-353-201	717 N. Hayford	80.0								

Total Sq. Feet—50/50 shared in 4"—26861.50
 50/50 shared in 6"—8534.00
 100% City responsibility 4"—19353.00
 100% City responsibility 6"—2138.50

*This symbol designates the following quantity of sidewalk as 100% owner responsibility and that owners of said above described lands are hereby required to commence reconstruction within twenty (20) days from the date of this publication in accordance with Section 28-41 of the Code of Ordinances, or the Director of Public Service is authorized and directed to proceed to reconstruct said concrete sidewalk in accordance with Section 28-42 of the Code of Ordinances. The expense of constructing the same shall be paid out of the contingent fund, and the City Assessor is hereby directed to assess the expense of reconstructing the same against said described land in accordance with Section 28-44 of the Code of Ordinances.

The City Clerk and the Public Service Director are hereby directed to give due notice hereof, by publication of a notice of this resolution as provided by Section 41, Chapter 28 of the Code of Ordinances.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0210

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor and City Council have devoted considerable time to the review of the City's financial resources, its programs, and community needs; and

Whereas, the Mayor recommended a budget to the City Council which the Council has extensively reviewed; and

Whereas, the City Council is generally desirous of maintaining current service levels while holding the tax rate to the lowest level possible; and

Whereas, the City is at the same time faced with major revenue reductions, particularly the anticipated loss of \$2.8 million in Federal Revenue Sharing; and

Whereas, this has forced difficult choices to be made; and

Now, Therefore, Be It Resolved, that the City restore .0537 mills of currently levied property tax pursuant to the Truth in Taxation requirements; and

Be It Further Resolved, that the City levy 11.95 for operations and .95 for debt service for FY 86-87; and

Be It Finally Resolved, that the FY 86-87 budget for all City operations and funds, including the Capital Improvement budget, the Federal Revenue Sharing budget, and the CDBG budget, as proposed by the Mayor and amended per the attached by the City Council, hereby be adopted.

COUNCIL AMENDMENTS

That the Budget Office be directed to modify all line items, work programs, or policy statements as required by the following amendment to the Mayor's Recommended FY 86-87 Budget:

1. City Council Budget
 - Temporary Help—(\$1,000)
 - Salaries—Overtime—(\$440)
 - Misc. and Operating Expenses—\$940
 - Equipment Maintenance—\$500
2. Administrative Services
 - Data Processing—Delete Data Control Clerk—Salary—(\$14,906)
 - Gen. Admin.—Fringes—\$5,200)
 - Delete Payroll/Personnel Package—(\$152,963)
 - Gen. Admin. Fringes—(\$6,200)
3. Planning and Municipal Development
 - Planning—Modify work program to consider industrial road from Michigan Avenue extending Clare to Willow to determine what are feasible options.
 - B. Building—Add additional 1/2 Clerk Salary—\$7,985
 - General Administration Fringes—2,675.
 - C. Incorporate amended Building and Planning fee schedule as proposed.
4. Finance—Assessor—Delete Systems Analyst 35—Salary—(\$34,506)
- General Administration—Fringe(\$11,550)
5. Parks
 - A. Study establishment of Enterprise Fund for golf operations, including Board recommendation and Administration recommendation—Report by 7-1-86.
 - B. Reprioritize Parks equipment so that playground equipment is purchase within funds allocated per the Mayor's recommendation. (Administration to report playground equipment to be purchased to Public Safety and Properties.)
 - C. Move process forward for placing sale of Priggoris Park on the ballot, have Law prepare wording, and refer to Public Safety and Properties for approval. Also, commit to name something in the city for Priggoris.
6. City Clerk—Add electronic sealer and typewriter—\$1,770
- Provide new GM-20 to City Clerk out of cars schedule to be purchased and reassign her existing car.
7. Public Service
 - A. Refer sidewalk snow plowing to Physical Development for policy review.
 - B. Parking Rates—maintain meter rates in CBD at current levels and raise garage rates to offset revenue loss.
 - C. Refuse—establish General Fund subsidy for Bulk Pickup, and keep the orange bag fee at 55¢ each.—Add \$300,000.
8. CIP
 - A. Delete General Fund funding for South Washington Mall opening—General Fund (\$40,000)
 - Fund South Washington Mall Opening in Parking System—Parking \$40,000
 - Marquee for new exhibition hall, and Mayor to bring proposal and funding recommendation.
 - C. Move \$50,000 from unallocated \$100,000 to line item for Red Cedar Bike Link Match.
9. Policy
 - A. Defend, hold harmless and indemnify officers and employees from all claims of liability whatsoever arising out of acts or omission in the course and scope of their employment by the City of Lansing of their service as a City official of the City of Lansing. Such indemnification and defense shall include, but not be limited to, indemnification and defense against liability.

ty for personal injuries, property damage, liability pursuant to 28 USC 1983, liability for attorneys fees, both statutory and actual, liability for contractual damages, and for all other liabilities permitted by law provided, however, that the City shall not hold harmless or indemnify any such officer or employee for liability for criminal acts, for intentionally wrongful acts, nor for civil infractions, and further provided that the City's duty to indemnify, hold harmless, and defend any officer or employee shall be expressly contingent upon the full cooperation of such officer or employee in providing for such defense and upon such officer or employee's immediately notifying the City whenever said officer or employee knows or reasonably should know that any claim for damages or other liability is being made or is likely to be made against him or her.

B. Mayor's Office submit a proposal for an early retirement plan which would provide savings for the City with the intent of reducing the necessity for an increase in taxes. The prospective plan would be similar to the State of Michigan program for early retirement which generated savings for the State. The financial impact analysis shall contain an estimate of prospective savings, the estimated timing of savings, estimate of reduction of positions, and projected actuarial cost to the retirement systems.

C. Retain Administrative Transfer policy exactly as adopted for the current year and establish it heretofore as a standing policy, in effect unless modified or revoked by Council action.

D. Establish a personnel moratorium on filling of vacated positions. Such moratorium to be as follows (for days following payroll clearance of person vacating position). Such policy shall not apply to the District Court.

1. 30 days for Police, Fire, elected official departments, and positions required to be filled by union contract.

2. 90 days for Public Service, Building Inspection, Parks and Recreation.

3. All other departments—120 days.

Further, that such moratorium exclude critically-needed positions as determined by the Mayor, and that he report filling of positions deemed critical to Council within seven working days, and that said moratorium shall be structured, with contractual parameters, to provide the seasonal and contractual work force used by the City for its seasonal activities.

D. No additional positions shall be transferred from C.D. funds to General Fund funding, and that this shall be a standing policy and effective immediately.

10. Policy—that the City go to zero base budgeting for FY 88, and that City Council vote at each individual budget hearing next year.

11. Policy—that the administration review the Planning and Municipal Development Department to assess the effect of the 1982 reorganization, and that Council commit to study that review during the course of the upcoming year.

12. That .3 mill be added to the Reserve for Contingency.

13. That the final property tax revenues and S.E.V. be incorporated in total S.E.V. \$1,287,859,129, less

captured TIFA values of (\$7,155,300), for a net SEV of \$1,280,703,829, and that the estimated revenues be adjusted accordingly.

By COUNCILMEMBER BELEN—

That the budget resolution be considered read and a roll call vote be taken.

Councilmember Blair made comments in regard to the budget and said that he could not support the passage of the budget.

Councilmember Adado made comments in regard to the budget and the amendments that were made during the Committee of the Whole meeting on Thursday and could not support the budget and would be voting "no" on it.

Councilmember Lindemann made remarks in regard to the budget and said he could not support the budget as amended and submitted the following amendment to the budget.

Whereas, the Mayor has the responsibility under the City Charter to organize City functions in such a manner to assure City services are provided efficiently, effectively and economically as possible; and

Whereas it is the City Council's intent to optimally use resources so as to avoid placing further tax burdens upon Lansing's residents;

Now, Therefore, Be It Resolved that it is the City's policy that each vacancy be analyzed by the Mayor to determine if 1) the position can and should be eliminated, or 2) the duties of various vacant positions can be consolidated into fewer new positions, or 3) the duties of the position can be redistributed to remaining personnel, or 4) the functions of the position can be outsourced or automated if more economical or 5) through the exercise of reorganization, interdepartmental coordination and other management methods, a particular existing vacancy can be eliminated and existing resources utilized.

Be It Further Resolved to implement the above policy, the Mayor submit a quarterly report to General Services indicating 1) all vacancies occurring during the quarter, 2) vacant positions eliminated and 3) if a vacancy was filled, why the 5 options listed in the preceding paragraph were not successfully employed to permit a reduction of a vacated position.

Lost by the following vote:

Yeas—Councilmembers Adado, Creamer, Lindemann—3.

Nays—Councilmembers Belen, Benavides, Blair, Schmidt, Worthington—5.

Councilmember Lindemann made the following amendment to the budget:

That we eliminate the Labor Relations Department and hire within the City Attorney's Office a position of a Labor Relation Attorney Negotiator with a salary of \$41,000.00 and a Specialist for Grievances Attorney this would create a savings of \$100,000.00 and set aside a sum of \$75,000.00 for filing the position and any other money needed be set aside and not spent until we have on Board this position.

Lost by the following vote:

Yeas—Councilmembers Adado, Blair, Lindemann—3.

Nays—Councilmembers Belen, Benavides, Creamer, Schmidt, Worthington—5.

By COUNCILMEMBER LINDEMANN—

That the following amendment be made:

That within the Parks Department the following positions be eliminated: Assistant Forestry Supervisor.

Lost by the following vote:

Yeas—Councilmembers Adado, Lindemann—2.

Nays—Councilmembers Belen, Benavides, Blair, Creamer, Schmidt, Worthington—6.

By COUNCILMEMBER LINDEMANN—

That we consider the following amendment:

That within the Planning and Municipal Development Department we eliminate the Department Head and the Secretary this would create a savings of \$113,171.00.

Lost by the following vote:

Yeas—Councilmembers Adado, Blair, Lindemann—3.

Nays—Councilmembers Belen, Benavides, Creamer, Schmidt, Worthington—5.

By COUNCILMEMBER LINDEMANN—

That within the Development Department that we eliminate the staffing money from General Funds with a savings of \$116,000.00 and that we eliminate the positions of Relocation Supervisor, Property Manager, Division Director and Division Administrator.

Lost by the following vote:

Yeas—Councilmembers Adado, Blair, Lindemann—3.

Nays—Councilmembers Belen, Benavides, Creamer, Schmidt, Worthington—5.

Councilmember Lindemann made remarks in regard to the budget and said that he would not support the budget as presented and that he would be voting no on the budget.

Councilmember Belen called the question.

By COUNCILMEMBER CREAMER—

That Councilmember Benavides be excused from voting on the 2 items dealing with Cristo Rey that is within the budget.

Carried.

The following vote was taken on the 2 items dealing with Cristo Rey that is within the budget.

Adopted by the following vote:

Unanimously.

The following vote was taken on the budget as presented excluding the 2 Cristo Rey items.

Adopted by the following vote:

Yeas—Councilmembers Belen, Benavides, Creamer, Schmidt, Worthington—5.

Nays—Councilmembers Adado, Blair, Lindemann—3.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0211

Resolved by the City Council of the City of Lansing:

That the regular City Council meeting of Monday, May 26, 1986, be rescheduled for Tuesday, May 27, 1986, due to the observance of the Memorial Day Holiday.

Councilmember Lindemann left the session.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0212

Resolved by the City Council of the City of Lansing:

That the application of Robert J. Kirby for an Auctioneer License is hereby approved.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0213

Resolved by the City Council of the City of Lansing:

That the applications of the M. Davis Construction Co., Inc., for renewal of a Building Demolition License is hereby approved.

Adopted by the following vote:

Unanimously.

Councilmember Lindemann returned to the meeting.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0214

Resolved by the City Council of the City of Lansing:

That the following transfers be approved.

1) \$950.00 from Wages-Election Inspectors-City Clerk

A/C 101-215-000-720

\$950.00 to Salaries & Longevity

A/C 101-215-000-702

(To cover salary increase for Chief Deputy Clerk, per contract.)

2) \$550.00 from Oper. Serv. & Microfilm Repair and Maintenance

A/C 101-228-000-930

\$550.00 to Admin. Serv. Oper. Serv. & Microfilm Equipment

A/C 101-228-000-977

(purchase of automatic hot wax machine to replace old hand-held units.)

3) \$5,300.00 from Parks & Rec. Parks Div. Golf—Salaries & Longevity

A/C 101-721-000-702

\$5,300.00 to Admin. Serv. Property Management Project Maintenance

A/C 101-265-000-931

(bid for new compressor for Washington Park Ice Rink came in \$5,300 higher than anticipated.)

4) \$55,000.00 from Police-Uniform Patrol Salaries

A/C 101-316-000-702

\$12,000.00 to Police Adm. Salaries

A/C 101-305-000-702

(additional funds required to cover retroactive salary payments from FOP settlement to individuals who retired or resigned prior to the beginning of FY 86, but after the effective date for retroactive salary payments.)

\$35,000.00 to Police-Adm. Overtime-Sworn

A/C 101-305-000-708

(overtime for sworn personnel running above projected levels.)

\$8,000.00 to Police-Adm. Telephone

A/C 101-305-000-853

(Expenses running above projected levels; delay in transfer of LPD to Centrex System.)

5) \$1,200.00 from Gen. Fund Fund Balance

A/C 101-000-000-390

\$1,200.00 to Police-Adm. Citizen Contributions

A/C 101-305-000-956

(Contribution from Sears, Roebuck & Co. & 6-19-85 to L.P.D.)

\$2,000.00 from Pub. Serv. Storm Sewer Maintenance Equipment Rental

A/C 101-445-018-943

\$2,000.00 to Pub. Serv. Operations & Maint. Storm Sewer-Maint. Equipment

A/C 101-445-018-977

JAN LAZAR,

Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,

Finance Director.

APPROVED:

PAT LINDEMANN

JAMES BLAIR

Ways and Means Committee

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinances of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-4-86—521 Lincoln Avenue to be rezoned from "A" Residential District O "J" Parking District filed by Baryames Cleaners.

Z-5-86—423 South Cedar Street to be rezoned from "DM-4" Residential District to "J" Parking District filed by David J. Stanton and Assoc., Inc.

were introduced by Councilmember Creamer, read a first and second time by their titles and referred to the Committee on Physical Development.

By COUNCILMEMBER CREAMER—

RESOLUTION #0215

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, June 9, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving rezoning petitions:

Z-4-86—521 Lincoln Avenue to be rezoned from "B" Residential District to "J" Parking District filed by Baryames Cleaners.

Z-5-86—423 South Cedar Street to be rezoned from "DM-4" Residential District to "J" Parking District filed by David J. Stanton and Assoc., Inc.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER WORTHINGTON—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Repealing Chapter 30 containing sections numbered section 30-1 through 30-16 of the Code and declaring the same to be null and void and of no effect.

Repealing Chapter 33 containing sections numbered section 33-1 through 33-43 of the Code and declaring the same to be null and void and of no effect.

Adding a new Chapter 33 containing sections numbered section 33-1 through 33-28 to the Code for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses, horse drawn carriages and wreckers and licensing of public drivers and recommended that the ordinances be passed.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 30 containing sections numbered section 30-1 through 30-16 of the Code and declaring the same to be null and void and

of no effect be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 30 containing sections numbered section 30-1 through 30-16 of the Code and declaring them same to be null and void and of no effect be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 713

An Ordinance of the City of Lansing, Michigan, providing for the repeal of Chapter 30 containing Sections numbered Section 30-1 through 30-16 of the Code of Ordinances, City of Lansing, Michigan, and declaring the same to be null and void and of no effect.

The City of Lansing ordains:

Section 1. That Chapter 30 containing Sections numbered Section 30-1 through 30-16 of the Code of Ordinances, City of Lansing, Michigan, is hereby repealed and declared null and void and of no effect.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of the Chapter 33 containing sections numbered Section 33-1 through 33-43 of the Code and declaring the same to be null and void and of no effect be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 33 containing sections numbered section 33-1 through 33-43 of the Code and declaring the same to be null and void and of no effect be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 714

An Ordinance of the City of Lansing, Michigan, providing for the repeal of Chapter 33 containing sections numbered Section 33-1 through 33-43 of the Code of Ordinances, City of Lansing, Michigan, and declaring the same to be null and void and of no effect.

The City of Lansing ordains:

Section 1. That Chapter 33 containing Sections numbered 33-1 through 33-43 of the Code of Ordinances, City of Lansing, Michigan, is hereby repealed and declared null and void and of no effect.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that a new Chapter 33 containing sections numbered section 33-1 through 33-28 be added to the code for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses, horse drawn carriages and wreckers and licensing of public drivers be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that a new Chapter 33 containing sections numbered section 33-1 through 33-28 be added to the code for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses, horse drawn carriages and wreckers and licensing of public drivers be now passed.

By COUNCILMEMBER WORTHINGTON—

That we amend this Ordinance on Page 9 Line 26 by inserting "Class A" before Wrecker License—and on Line 27 by striking out the words "or engaged in the business of operating a wrecker", which would make the lines read—"In addition, the person apply for a Class "A" Wrecker License shall file with".

Carried.

The resolution as amended was adopted by the following vote:

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 715

An Ordinance of the City of Lansing, Michigan, providing that a New Chapter 33 containing sections numbered Section 33-1 through 33-29 be added to the

Code of Ordinances for the purpose of updating and combining ordinances regulating taxicabs, limousines, shuttle buses, horse drawn carriages and wreckers and licensing of public drivers.

The City of Lansing ordains⁴

Section 1. That the Code of Ordinances of the City of Lansing, Michigan be amended by adding a new Chapter 33 containing Sections numbered Section 33-1 through 33-29 to read as follows:

ORDINANCE NO. 715

CHAPTER 33. VEHICLES FOR HIRE

ARTICLE I. TAXICABS/LIMOUSINES/ SHUTTLE BUSES/HORSE DRAWN CARRIAGES

SEC. 33-1. DEFINITION

a) TAXICAB SHALL MEAN A MOTOR VEHICLE ENGAGED IN THE BUSINESS OF TRANSPORTING PERSON FOR HIRE WHERE NO REGULAR SPECIFIED ROUTE IS TRAVELED BUT PASSENGERS ARE TAKEN TO AND FROM SUCH PLACES AS THE PASSENGERS MAY DESIGNATE; PROVIDED, THAT PUBLICLY OWNED BUSES SHALL NOT BE CONSTRUED TO BE WITHIN THE MEANING HEREOF.

b) LIMOUSINE SHALL MEAN A CHAUFFERED MOTOR VEHICLE NOT EQUIPPED WITH A TAXIMETER WHICH TRANSPORTS INDIVIDUALS FOR HIRE AT AN HOURLY AND/OR DAILY RATE.

c) HORSE DRAWN CARRIAGE SHALL MEAN A HORSE DRAWN VEHICLE OPERATING FOR HIRE.

d) SHUTTLE BUS SHALL MEAN ANY MOTOR VEHICLE WHICH TRANSPORTS INDIVIDUALS BETWEEN PRE-ESTABLISHED FIXED POINTS FOR ESTABLISHED FIXED FEES, PROVIDED THAT TAXICABS, LIMOUSINES, PUBLICALLY OWNED OR CHURCH OR SCHOOL BUSES OR BUSES UTILIZED FOR LIVING OR CAMPING PURPOSES OR MOTOR VEHICLES UTILIZED EXCLUSIVELY FOR FUNERAL PURPOSES SHALL BE EXCLUDED.

SEC. 33-2. LICENSE—REQUIRED.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR CAUSE TO BE OPERATED A TAXICAB, LIMOUSINE OR SHUTTLE BUS OR HORSE DRAWN CARRIAGE WITHIN THE LIMITS OF THE CITY, WITHOUT FIRST OBTAINING A LICENSE FROM THE CITY.

SEC. 33-3. SAME—QUALIFICATIONS OF APPLICANT; CONDITIONS OF ISSUANCE, BOND, INSURANCE, FEE.

(a) UPON APPROVAL OF CITY COUNCIL, THE CITY CLERK IS AUTHORIZED TO GRANT A LICENSE FOR THE PURPOSE OF OPERATING A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE TO ANY PERSON WHO IS A RESIDENT OF THE STATE AND OF THE AGE OF EIGHTEEN (18) YEARS AND

UPWARD, OR TO ANY CORPORATION OR PARTNERSHIP AUTHORIZED TO OPERATE TAXICABS, LIMOUSINES, SHUTTLE BUSES OR HORSE DRAWN CARRIAGES IN ACCORDANCE WITH THE LAWS OF THE STATE, PROVIDED THAT THE FOLLOWING CONDITIONS ARE COMPLIED WITH:

(1) THE APPLICANT SHALL FILE WITH THE CITY CLERK A BOND IN THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00), CONDITIONED THAT EACH TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE WILL BE OPERATED IN ACCORDANCE WITH THE PROVISIONS OF THE LAWS OF THE STATE AND THE CHARTER, ORDINANCES, AND REGULATIONS OF THE CITY, AND THAT ANY JUDGEMENT RENDERED IN ANY COURT AGAINST SUCH APPLICANT OR THE DRIVER OF ANY TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THE LAWS OF THE STATE AND THE CHARTER AND ORDINANCES OF THE CITY, WILL BE PAID; AND

(2) THE APPLICANT SHALL FILE WITH THE CITY CLERK A COPY OF A POLICY OR INSURANCE CERTIFICATE EVIDENCING THAT THE APPLICANT HAS OBTAINED INSURANCE FROM AN INSURANCE COMPANY PERMITTED TO DO BUSINESS IN THE STATE. THE INSURANCE POLICY OR INSURANCE CERTIFICATE SHALL DEMONSTRATE THAT THE APPLICANT IS ADEQUATELY INSURED AGAINST ANY LIABILITY IMPOSED UPON THE APPLICANT ARISING OUT OF THE OPERATION OF THE TAXICABS, LIMOUSINES, SHUTTLE BUSES OR HORSE DRAWN CARRIAGES, WHICHEVER IS APPLICABLE, UNDER THIS ARTICLE AND IN COMPLIANCE WITH STATE LAW AND PROVIDE TO ANY PERSON INJURED, OR BY REASON OF DEATH TO ANY ONE PERSON, PAYMENT OF NOT LESS THAN \$100,000 AND FOR THE PAYMENT OF NO LESS THAN \$300,000 FOR INJURIES TO OR DEATH OF MORE THAN ONE PERSON, AND FOR PROPERTY DAMAGE NOT LESS THAN THE AMOUNT OF \$100,000; AND

(3) SUCH POLICY OR INSURANCE CERTIFICATE AND THE BOND SHALL BEAR AN ENDORSEMENT THAT THE INSURANCE COMPANY SHALL NOTIFY THE CITY CLERK AT LEAST TWENTY (20) DAYS PRIOR TO THE EXPIRATION OF SUCH POLICY OR BOND WHETHER BY WAY OF CANCELLATION OR LIMITATION OF TERM; AND

(4) FILING WITH THE CITY CLERK THE NUMBER OF TAXICABS, LIMOUSINES, SHUTTLE BUSES OR HORSE DRAWN CARRIAGES TO BE OPERATED UNDER SUCH LICENSE, IF GRANTED, AND DESCRIPTION OF EACH, INCLUDING THE MAKER'S NAME, SERIAL NUMBER, MODEL, AND YEAR AND;

(5) PAYMENT TO THE CITY CLERK OF A NON REFUNDABLE FEE SET BY RESOLUTION OF THE CITY COUNCIL FOR EACH TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE TO BE KEPT AND USED AS AFORESAID FOR HIRE; AND

(6) UPON THE GRANTING OF A LICENSE, A CITY IDENTIFICATION EMBLEM SHALL BE AFFIXED AT ALL TIMES TO THE REAR WINDOW OF EACH TAXICAB, LIMOUSINE, SHUTTLE BUS AND TO THE REAR OF EACH HORSE DRAWN CARRIAGE.

SEC. 33-4. SAME—EXPIRATION DATE, REVOCABILITY.

SUCH LICENSE, REGARDLESS OF WHEN ISSUED, SHALL AUTOMATICALLY EXPIRE, UNLESS REVOKED EARLIER, ON THE THIRTIETH (30TH) DAY OF APRIL OF EACH YEAR, BUT SHALL BE REVOCABLE AT ANY TIME BY THE CITY COUNCIL FOR CAUSE.

THE CITY COUNCIL MAY REVOKE OR REFUSE TO ISSUE A LICENSE FOR OPERATING A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE FOR ONE OR MORE OF THE REASONS STATED IN SECTION 33-3 THEREIN. THE LICENSE SHALL NOT BE REVOKED UNTIL AFTER A HEARING PURSUANT TO SECTION 33-29.

SEC. 33.5 TAXIMETERS.

EVERY TAXICAB OPERATED WITHIN THE CITY SHALL HAVE AFFIXED THEREIN A TAXIMETER OF A SIZE AND DESIGN APPROVED BY THE SEALER OF WEIGHTS AND MEASURES AND CHIEF OF POLICE; AND SHALL AT ALL TIMES THEREAFTER BE IN FULL COMPLIANCE WITH ALL PERTINENT PROVISIONS OF THE WEIGHTS AND MEASURES ORDINANCE OF THE CITY OF LANSING; BEING CHAPTER 35 OF THE CODE.

SEC. 33-6. FARES AND RATES—POSTING.

EVERY TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE OPERATED IN THE CITY SHALL HAVE POSTED IN IT A PRINTED SCHEDULE OF THE RATES CURRENTLY IN EFFECT. THE LETTERS AND FIGURES OF SUCH PRINTED SCHEDULE SHALL NOT BE SMALLER THAN ELEVEN POINT TYPE AND THE SCHEDULE SHALL BE POSTED IN A LOCATION WHICH IS CLEARLY VISIBLE TO ANY PASSENGER.

SEC. 33.7. SAME—RECEIPT FOR PAYMENT.

THE OWNER OR DRIVER OF A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE SHALL, UPON DEMAND, DELIVER TO THE PERSON PAYING FOR THE HIRE AT THE TIME OF SUCH PAYMENT A RECEIPT THEREFOR. THIS RECEIPT SHALL CONTAIN IN LEGIBLE TYPE OR WRITING, THE NAME OF THE OWNER, THE DRIVER'S CITY LICENSE NUMBER, ALL ITEMS FOR WHICH A CHARGE IS MADE, THE TOTAL AMOUNT PAID, AND THE DATE OF PAYMENT.

SEC. 33-8. SAME—PAYMENT IN ADVANCE, ORDERLY PERSONS TO BE CONVEYED.

EVERY DRIVER OF A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE SHALL HAVE THE RIGHT TO DEMAND THE LEGAL FARE IN ADVANCE AND MAY REFUSE EMPLOYMENT UNLESS SO PREPAID, BUT NO DRIVER OF A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE SHALL OTHERWISE REFUSE OR NEGLECT TO CONVEY A PERSON UPON REQUEST ANYWHERE IN THE CITY, UNLESS PREVIOUSLY ENGAGED OR UNABLE TO DO SO.

SEC. 33-9. LOST PROPERTY, DISPOSITION THEREOF.

EVERY DRIVER OF A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE AFTER EACH SHIFT SHALL SEARCH THE VEHICLE FOR ANY PROPERTY LOST OR LEFT THEREIN, AND SUCH PROPERTY, UNLESS SOONER CLAIMED OR DELIVERED TO THE OWNER, SHALL BE TAKEN TO THE LANSING POLICE DEPARTMENT WITHIN TWENTY-FOUR (24) HOURS AFTER THE FINDING THEREOF.

SEC. 33-10. DRIVING MORE THAN TWELVE HOURS IN ONE DAY OR SEVENTY-TWO HOURS IN ONE WEEK, UNLAWFUL.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO DRIVE OR PERMIT ANY DRIVER TO BE ON DUTY FOR MORE THAN TWELVE CONSECUTIVE (12) HOURS IN ONE DAY OR MORE THAN SEVENTY-TWO (72) HOURS IN ONE WEEK. THE RECORDS AND LOGS OF EACH DRIVER SHALL BE AVAILABLE FOR INSPECTION BY THE CHIEF OF POLICE OR DESIGNEE AT ANY REASONABLE TIME.

SEC. 33-11. OBTAINING SERVICES WITHOUT PAYING DEPOSIT EXCREMENTS, UNLAWFUL.

a) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE AND/OR OBTAIN THE SERVICES OF A TAXICAB, LIMOUSINE, SHUTTLE BUS OR HORSE DRAWN CARRIAGE WITHOUT PAYING THE LEGAL FARE FOR THOSE SERVICES.

b) IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR CAUSE TO BE OPERATED A HORSE DRAWN CARRIAGE AND PERMIT OR ALLOW ANY MANURE, OFFAL OR EXCREMENT FROM THE HORSE TO REMAIN OR BE DEPOSITED UPON THE STREETS OF THE CITY.

ARTICLE II. WRECKERS.

SEC. 33-12. DEFINITIONS.

THE FOLLOWING WORDS WHEN USED IN THIS ARTICLE SHALL, FOR THE PURPOSE OF THIS ARTICLE HAVE THE MEANING ASCRIBED TO THEM IN THIS ARTICLE, AS FOLLOWS:

(1) WRECKER MEANS EVERY MOTOR VEHICLE DESIGNED FOR OR ENGAGED IN THE BUSINESS OF TOWING, TRANSPORTING, CONVEYING AND/OR REMOVING ALL KINDS OF VEHICLES.

(2) NONPREFERENCE POLICE CALLS MEANS REQUESTS BY THE POLICE DEPARTMENT TO TOW IMMOBILIZED OR INCAPACITATED VEHICLES ON PUBLIC STREETS AND VEHICLES ILLEGALLY PARKED, WHETHER ON PUBLIC OR PRIVATE PROPERTY.

(3) NONCONSENT TOW MEANS A TOW OF A MOTOR VEHICLE WITHOUT THE KNOWLEDGE OR CONSENT OF THE OWNER OR PERSON IN POSSESSION OF THE MOTOR VEHICLE.

SEC. 33-13. LICENSE—REQUIRED, DURATION, FEE, DISPLAY, TRANSFER.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR CAUSE TO BE OPERATED A WRECKER UPON THE STREETS OF THE CITY WITHOUT FIRST OBTAINING EITHER A CLASS A LICENSE OR CLASS B LICENSE FROM THE CITY.

IN ORDER TO OBTAIN OR OPERATE UNDER A CLASS A LICENSE A PERSON SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:

(1) AGREE TO SERVICE NONPREFERENCE POLICE CALLS TWENTY-FOUR (24) HOURS A DAY, SEVEN (7) DAYS A WEEK, INCLUDING HOLIDAY.

(2) EMPLOY A TWENTY-FOUR-HOUR DISPATCH OPERATOR ON THE BUSINESS PREMISES FOR PURPOSES OF OPERATING A COMMUNICATIONS HOOKUP TWENTY-FOUR (24) HOURS A DAY.

(3) MAINTAIN A MINIMUM OF FIVE (5) WRECKERS AVAILABLE FOR USE, ONE OF WHICH SHALL BE A HEAVY DUTY WRECKER CAPABLE OF FLIPPING AND TOWING INOPERABLE OR WRECKED SEMITRAILER TRUCKS. THE HEAVY DUTY WRECKER MUST HAVE THE CAPACITY OF HANDLING AT LEAST A SIXTY THOUSAND-POUND TOW.

(4) MAINTAIN A DISPATCHING OFFICE AND AN ENCLOSED STORAGE YARD WITHIN THE CORPORATE LIMITS OF THE CITY OF LANSING.

(5) EMPLOY AN ADEQUATE STAFF OF TRAINED AND CITY LICENSED WRECKER OPERATORS.

(6) COMPLY WITH ALL POLICE OPERATIONAL PROCEDURES.

(7) RESPOND TO REQUESTS BY PRIVATE PROPERTY OWNERS OR PERSONS LAWFULLY IN POSSESSION OR CONTROL OF PROPERTY TO REMOVE VEHICLES CITED BY THE LANSING POLICE DEPARTMENT FOR VIOLATION OF THE PRIVATE PARKING ORDINANCE, SECTION 31-77.1.

IN ORDER TO OBTAIN OR OPERATE UNDER A CLASS B LICENSE A PERSON SHALL HAVE A MINIMUM OF ONE WRECKER AVAILABLE FOR SERVICE CALLS AT ALL TIMES AND EMPLOY AN ADEQUATE STAFF OF TRAINED AND CITY LICENSED WRECKER OPERATORS.

UPON APPROVAL OF CITY COUNCIL THE CITY CLERK IS HEREBY AUTHORIZED TO GRANT SUCH CLASS A AND CLASS B LICENSES. SUCH LICENSES SHALL EXPIRE ON THE LAST DAY OF APRIL OF EACH YEAR UNLESS REVOKED EARLIER AS PROVIDED HEREIN. THE NONREFUNDABLE FEE TO BE PAID FOR A CLASS A AND A CLASS B LICENSE AND FOR EACH WRECKER KEPT AND USED UNDER EACH LICENSE SHALL BE DETERMINED BY RESOLUTION BY CITY COUNCIL. THE CITY CLERK SHALL ISSUE A CITY IDENTIFICATION EMBLEM FOR EACH LICENSED WRECKER INDICATING THAT SAID VEHICLE IS LICENSED. EACH EMBLEM SHALL BE AFFIXED TO THE INNER SIDE OF THE LOWER RIGHT-HAND CORNER OF THE FRONT WINDSHIELD. WRECKER LICENSES ARE NOT TRANSFERABLE FROM ONE PERSON TO ANOTHER. HOWEVER, A LICENSE MAY BE TRANSFERRED FROM ONE WRECKER TO ANOTHER WRECKER UPON APPLICATION TO THE CITY CLERK AND THE PAYMENT OF A NONREFUNDABLE TRANSFER FEE DETERMINED BY RESOLUTION BY CITY COUNCIL.

SEC. 33-14. SAME—APPLICATION

APPLICATIONS FOR WRECKER LICENSE SHALL BE MADE BY THE OWNER, LESSEE OR BAILEE THEREOF, ON FORMS TO BE FURNISHED BY THE CITY CLERK. SUCH APPLICATIONS SHALL INCLUDE THE FULL NAME AND ADDRESS OF THE OWNERS, LESSEE OR BAILEE, THE APPLICANT, THE LOCATION OF THE BUSINESS, LOCATION OF ALL VEHICLE STORAGE LOTS, AS WELL AS THE YEAR, MAKE, LICENSE NUMBER, THE VEHICLE NUMBER OF THE VEHICLE FOR WHICH THE LICENSE IS DESIRED AND ANY OTHER INFORMATION WHICH THE CITY CLERK SHALL DEEM NECESSARY AND PROPER. THE APPLICATION SHALL BE SUBSCRIBED AND SWORN TO BEFORE A NOTARY PUBLIC AND FILED WITH THE CITY CLERK.

SEC. 33-15. SAME—REVOCATION.

EVERY LICENSE ISSUED UNDER THIS ARTICLE SHALL BE REVOCABLE BY THE CITY COUNCIL, SHOULD THE LICENSEE OPERATE ITS BUSINESS IN SUCH A WAY AS TO VIOLATE THE LAWS OF THE STATE OR THE ORDINANCES OR REGULATIONS OF THE CITY. UPON RECEIVING NOTICE OF SUCH VIOLATIONS, THE CHIEF OF POLICE, OR CHIEF REPRESENTATIVE, SHALL FILE A PETITION WITH THE CITY CLERK SPECIFYING THE VIOLATIONS WITH WHICH THE LICENSEE IS CHARGED, AND REQUESTING THAT THE WRECKER LICENSE BE REVOKED. UPON RECEIPT OF SAID PETITION, THE CITY COUNCIL SHALL SET A DATE FOR HEARING ON THE ALLEGED VIOLATIONS, AND THE LICENSEE SHALL BE GIVEN NOT LESS THAN FIVE (5) DAYS WRITTEN NOTICE OF THE HEARING. AT SUCH HEARING THE LICENSEE MAY APPEAR IN PERSON OR BY AGENT OR ATTORNEY AND SUBMIT EVIDENCE IN HIS/HER DEFENSE. IF THE CITY COUNCIL DETERMINES THAT THE LICENSEE IS GUILTY

OF THE VIOLATIONS CHARGED, THE WRECKER LICENSE MAY BE REVOKED.

SEC. 33-16. RULES AND REGULATIONS FOR INSPECTION OF WRECKERS.

PRIOR TO THE ISSUANCE OF ANY NEW LICENSE OR UPON THE COMPLAINT OF ANY INDIVIDUAL, THE APPLICANT OR LICENSEE, WHICHEVER IS APPLICABLE SHALL SUBMIT EACH AND EVERY WRECKER DESIRED TO BE LICENSED OR THE WRECKER WHICH IS THE SUBJECT OF THE COMPLAINT FOR A VEHICLE INSPECTION BY THE CHIEF OF POLICE OR DESIGNATED REPRESENTATIVE.

SEC. 33-17. VEHICLES FOUND UNSAFE UPON INSPECTION.

IF, AT ANY TIME, THE CHIEF OF POLICE OR DESIGNATED REPRESENTATIVE SHALL INSPECT THE EQUIPMENT, USED BY ANY LICENSEE UNDER THIS ARTICLE, AND DEEM IT TO BE INADEQUATE OR UNSAFE, IN ACCORDANCE WITH ACT 300, P.A. 1949. AS AMENDED, OR ANY OTHER APPLICABLE LAW, THE CHIEF OF POLICE OR DESIGNATED REPRESENTATIVE SHALL HAVE THE POWER TO DEMAND IMMEDIATE CORRECTION AND, IF NOT CORRECTED TO THE FULL SATISFACTION OF THE CHIEF OF POLICE, OR DESIGNATED REPRESENTATIVE, CHIEF OF POLICE SHALL PETITION THE CITY COUNCIL TO DENY OR REVOKE THE LICENSE OR PERSONS OPERATING WITH SUCH EQUIPMENT, AND THE COUNCIL SHALL HAVE THE SAME POWER TO REVOKE AS IN SECTION 33-15 ABOVE.

SEC. 33-18. INSURANCE.

EVERY PERSON APPLYING FOR ANY WRECKER LICENSE, WHETHER A OR B, OR ENGAGED IN THE BUSINESS OF OPERATING A WRECKER SHALL FILE WITH THE CITY CLERK A CERTIFICATE OF INSURANCE INDICATING THAT AN INSURANCE POLICY, IN COMPLIANCE WITH STATE LAW, HAS BEEN ISSUED TO SUCH PERSON INSURING SUCH PERSON AGAINST ANY LIABILITY IMPOSED UPON SUCH PERSON ARISING OUT OF THE OPERATION OF THE WRECKERS ON THE PUBLIC HIGHWAYS. SUCH POLICIES SHALL BEAR AN ENDORSEMENT TO THE EFFECT THAT THE INSURANCE COMPANY SHALL NOTIFY THE CITY CLERK AT LEAST TWENTY (20) DAYS PRIOR TO THE EXPIRATION OF SUCH POLICY, WHETHER BY WAY OF CANCELLATION OR LIMITATION OF TERM. IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR CAUSE TO BE OPERATED, SUCH WRECKER WITHIN THE CITY LIMITS UNLESS A POLICY OF INSURANCE, AS AFORESAID, IS IN FORCE AT THE TIME OF SUCH APPLICATION AND AT ALL TIMES DURING THE TERM OF THE LICENSE. IN ADDITION, THE PERSON APPLYING FOR A WRECKER LICENSE OR ENGAGED IN THE BUSINESS OF OPERATING A WRECKER SHALL FILE WITH THE CITY CLERK EVIDENCE THAT THE PERSON HAS CARGO INSURANCE IN AN AMOUNT ADE-

QUATE AGAINST ANY LIABILITY IMPOSED UPON SUCH PERSON ARISING OUT OF THE OPERATION AND TOWING OR MOTOR VEHICLES.

SEC. 33-19. BOND—AMOUNT.

IN ADDITION TO THE INSURANCE POLICIES, HEREINBEFORE SPECIFIED TO BE FILED WITH THE CITY CLERK AND APPROVED AS A PREREQUISITE TO ISSUANCE OF A LICENSE, ANY PERSON ENGAGING IN THE BUSINESS OF OPERATING A WRECKER SHALL FILE WITH THE CITY CLERK A BOND IN THE PENAL SUM OF ONE THOUSAND DOLLARS (\$1,000.00) INDEMNIFYING THE CITY OF LANSING AGAINST ANY AND ALL VIOLATIONS OF ANY ORDINANCE, RULE OR REGULATION OF THE CITY OF LANSING, TO INDEMNIFY THE CITY OF LANSING FOR ANY AND ALL DAMAGE TO PUBLIC PROPERTY OF ANY KIND OR NATURE, AND CONDITIONED THAT SAID LICENSEE WILL PAY TO THE CITY OF LANSING ALL FINES OR PENALTIES WHICH MAY BE ASSESSED AGAINST SAID LICENSEE FOR THE VIOLATION OF ANY ORDINANCE RELATING TO THE BUSINESS CARRIED ON BY SUCH PERSON. IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR CAUSE TO BE OPERATED SUCH WRECKER WITHIN THE CITY LIMITS UNLESS A BOND, AS REQUIRED BY THIS SECTION IS IN FORCE AT THE TIME OF SAID OPERATION.

SEC. 33-20. SAME—APPROVAL BY THE CITY COUNCIL

PRIOR TO ISSUANCE OR RENEWAL OF ANY LICENSE, UNDER THIS ARTICLE, THE CITY COUNCIL SHALL APPROVE THE LICENSE APPLICATION.

SEC. 33-21. RATES.

(a) LICENSEES WHO HAVE RESPONDED TO A REQUEST FROM THE POLICE DEPARTMENT TO PROVIDE TOWING SERVICE FOR NON-COMMERCIALY LICENSED VEHICLES OR WHO ARE INVOLVED IN A NONCONSENT TOW SHALL CHARGE A TOWING RATE WHICH SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

(b) RATES FOR STORAGE OF NONCOMMERCIALY LICENSED VEHICLES. THE LICENSEE SHALL CHARGE FOR STORAGE OF NON-COMMERCIALY LICENSED VEHICLES WHICH WERE TOWED AT THE REQUEST OF THE POLICE DEPARTMENT OR STORAGE OF VEHICLES INVOLVED IN NONCONSENT TOWS IN ACCORDANCE WITH RATES DETERMINED BY RESOLUTION OF THE CITY COUNCIL.

SEC. 33-22. DISPLAY OF TOWING, STORAGE RATES REQUIRED.

EACH LICENSEE SHALL DISPLAY IN THE OFFICE OF THE LICENSEE, IN A PROMINENT LOCATION, THE SCHEDULE OF CURRENT RATES FOR WRECKER SERVICE AND STOR-

AGE OF VEHICLES AS SET FORTH IN SECTION 33-21.

SEC. 33-23. VEHICLES TOWED WITHOUT THE CONSENT OF THE OWNER OR WITHOUT AUTHORIZATION OF THE POLICE DEPARTMENT.

UNLESS THE LICENSEE COMPLETES A TOW FORM IN ACCORDANCE WITH THE PROCEDURES ADOPTED BY THE POLICE DEPARTMENT, THE LICENSEE SHALL NOTIFY THE POLICE DEPARTMENT WITHIN ONE HOUR AFTER TOWING OF ALL CARS TOWED FROM PUBLIC PROPERTY WITHOUT THE KNOWLEDGE OR CONSENT OF THE OWNER AND ALL CARS TOWED FROM PRIVATE PROPERTY AT THE REQUEST OF THE PROPERTY OWNER OR PERSONS LAWFULLY IN POSSESSION OR CONTROL OF SUCH PROPERTY. WHEN THE CAR OWNER HAS NO KNOWLEDGE OF THE VEHICLE BEING TOWED.

IF THE PROCEDURES IN THE PRECEDING PARAGRAPH ARE NOT COMPLIED WITH, THE LICENSEE SHALL NOTIFY THE REGISTERED OWNER OF EACH VEHICLE TOWED, BY CERTIFIED MAIL, WITHIN FORTY-EIGHT (48) HOURS THAT THE LICENSEE HAS THE VEHICLE AND THE LOCATION WHERE IT IS BEING HELD. THE OWNER OF THE VEHICLE MAY BE CHARGED BY THE LICENSEE FOR THE COST OF THIS MAILING. THIS LICENSEE MAY CHARGE FOR THE FIRST FORTY-EIGHT (48) HOURS OF STORAGE, BUT SHALL MAKE NO CHARGE THEREAFTER UNTIL LICENSEE HAS A RECEIPT OF CERTIFICATION SHOWING THE CERTIFIED LETTER HAS BEEN MAILED TO THE REGISTERED OWNER OF THE MOTOR VEHICLE. FOLLOWING A PERIOD OF SEVENTY-TWO (72) HOURS AFTER THE LICENSEE HAS MAILED THE CERTIFIED LETTER, THE POLICE DEPARTMENT MAY PROCESS THE UNCLAIMED VEHICLE UNDER THE ABANDONED VEHICLE ACT, AS AMENDED.

SEC. 33-24. STORAGE LOTS.

ALL CAR STORAGE LOTS OF LICENSEES MUST CONFORM WITH THE CITY OF LANSING ZONING ORDINANCE. IN ADDITION, THE REQUIREMENTS FOR A STORAGE LOT FOR VEHICLES, STORED FOR THE LANSING POLICE DEPARTMENT, ARE AS FOLLOWS:

(1) THE VEHICLE STORAGE LOT IS TO BE ENCLOSED BY A SIX-FOOT IN HEIGHT FENCE APPROVED BY THE CHIEF OF POLICE. THE BOTTOM OF THE FENCE SHALL NOT BE MORE THAN FOUR (4) INCHES FROM THE GROUND.

(2) THE GATE SHALL BE OF THE SAME SPECIFICATIONS AS THE FENCE.

(3) THE GATE OF THE LOT SHALL BE LOCKED WHEN UNATTENDED.

(4) THE BUILDING HOUSING THE STORED VEHICLES NEED NOT BE SURROUNDED BY A FENCE; PROVIDED HOWEVER IT MUST BE LOCKED AND SECURED WHEN UNATTENDED.

SEC. 33-25. CONDUCT OF OWNERS AND DRIVERS GENERALLY.

(1) IT SHALL BE UNLAWFUL FOR THE DRIVER OF ANY WRECKER TO SEEK EMPLOYMENT AT THE SCENE OF AN ACCIDENT OR AT THE AREA OF A DISABLED VEHICLE WITHOUT HAVING BEEN SUMMONED TO SUCH SCENE BY THE OWNER OF SAID DISABLED VEHICLE, ITS DRIVER OR AGENT, OR THE POLICE DEPARTMENT.

(2) IT SHALL BE UNLAWFUL FOR THE DRIVER OR OWNER OF A WRECKER TO SOLICIT, DEMAND, OR RECEIVE FROM ANY PERSON ANY PAY OR COMPENSATION, EXCEPT THE PROPER FARE FOR TOWING A NONCOMMERCIALY LICENSED VEHICLE, WHICH, THE POLICE DEPARTMENT REQUESTED BE TOWED OR THE NONCONSENT TOW OF A MOTOR VEHICLE IN ACCORDANCE WITH THE SCHEDULE OF CHARGES DESIGNATED IN SECTION 33-21 OF THIS ARTICLE.

(3) EVERY DRIVER OF A WRECKER SHALL CLEAR THE AREA OF DEBRIS BEFORE LEAVING THE SCENE OF A COLLISION WHERE THE DRIVER HAS BEEN CALLED TO TOW AWAY A DISABLED VEHICLE.

(4) EVERY LICENSEE SHALL BE RESPONSIBLE FOR THE SAFEKEEPING OF VEHICLES AND THEIR CONTENTS WHILE STORED ON THE PREMISES.

(5) IT SHALL BE UNLAWFUL FOR ANY PERSON LICENSED HEREUNDER AS THE OWNER OR OPERATOR OF A WRECKER TO PERMIT THE USE OF SUCH A WRECKER ON THE STREETS OF THE CITY BY ANYONE OTHER THAN A CITY LICENSED DRIVER EMPLOYED BY SUCH OPERATOR OR OWNER.

SEC. 33-26. RECORDING OF TRANSPORTATIONS NON-CONSENT TOWS.

FOR EACH NON-CONSENT TOW THE LICENSEE SHALL RECORD, IN A BOOK KEPT SOLELY FOR SUCH PURPOSE, INFORMATION ON EACH VEHICLE AS MAY BE HAULED OR TRANSPORTED BY THE LICENSEE OR LICENSEE'S AGENT. SUCH RECORDING SHALL SPECIFY THE NAME AND ADDRESS OF THE PERSON ENGAGING HIM; DATE, TIME, AND THE LOCATION OF SERVICE; NAME, BODY STYLE, COLOR, LICENSE NUMBER, AND VEHICLE NUMBER OF THE TOWED VEHICLE; THE SIGNATURE AND ADDRESS OF THE PERSON TO WHOM THE VEHICLE IS RELEASED; AND THE DATE AND TIME OF THE RELEASE OF THE VEHICLE. SUCH BOOK SHALL BE AVAILABLE FOR INSPECTION AT ANY REASONABLE TIME BY A DULY AUTHORIZED REPRESENTATIVE OF THE POLICE DEPARTMENT.

SEC. 33-27. NOTIFICATION TO THE LANSING POLICE DEPARTMENT AND OWNERS OF UNCLAIMED MOTOR VEHICLES IN STORAGE.

ALL LICENSEES SHALL FORWARD TO THE

POLICE DEPARTMENT ON MONDAY OF EACH WEEK, ON A FORM PROVIDED BY THE POLICE DEPARTMENT, A LISTING OF ALL UNCLAIMED MOTOR VEHICLES HELD IN STORAGE THAT WERE TOWED BY ORDER OF THE POLICE DEPARTMENT, AND ALL MOTOR VEHICLES HELD IN STORAGE WITHOUT THE KNOWLEDGE OF THE DRIVER, OWNER, OR HIS AGENT. EXCLUDED ARE MOTOR VEHICLES THAT ARE AUTHORIZED TO BE TOWED UNDER THE ABANDONED VEHICLE ACT, AS AMENDED, BY THE POLICE DEPARTMENT.

FAILURE BY THE LICENSEE TO COMPLY WITH THIS SECTION SHALL RESULT IN REVOCATION OF ITS LICENSE INCLUDING THE CLASS A LICENSEE'S PRIVILEGES TO RECEIVE FURTHER REQUESTS FROM THE POLICE DEPARTMENT FOR WRECKER SERVICES. FURTHERMORE, FAILURE TO COMPLY WITH THIS SECTION BY ANY LICENSEE SHALL OBLIGATE THAT LICENSEE TO INDEMNIFY THE CITY FOR ANY AND ALL COSTS AND/OR DAMAGES CAUSED BY THE LICENSEE'S FAILURE TO COMPLY WITH THIS SECTION.

ARTICLE III. PUBLIC DRIVER'S LICENSE

SEC. 33-28 PUBLIC DRIVER'S LICENSE—REQUIRED, APPLICATION, QUALIFICATIONS OF DRIVER, FEE, EXPIRATION DATE, HEARING.

a) IT SHALL BE UNLAWFUL FOR ANY OWNER OR EMPLOYEE, TO DRIVE OR OPERATE A TAXICAB, LIMOUSINE, SHUTTLE BUS, HORSE DRAWN CARRIAGE OR WRECKER WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED A LICENSE AS A PUBLIC DRIVER FROM THE CITY.

b) APPLICATION FOR A CITY PUBLIC DRIVER'S LICENSE SHALL BE MADE BY FILLING OUT AN APPLICATION FORM SUPPLIED BY THE CITY CLERK AND ATTACHING THERETO ONE SET OF FULL FINGERPRINTS OF THE APPLICANT. THE APPLICATION SHALL BE SUBSCRIBED AND SWORN TO BEFORE A NOTARY PUBLIC AND FILED WITH THE CITY CLERK. THE CITY CLERK SHALL SUBMIT ALL APPLICATIONS FOR A PUBLIC DRIVER'S LICENSE TO THE CHIEF OF POLICE FOR REVIEW AND RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL. A RECOMMENDATION OF DISAPPROVAL BY THE CHIEF OF POLICE SHALL BE FOR CAUSE ONLY. THE FOLLOWING MAY CONSTITUTE CAUSE FOR A RECOMMENDATION OF DISAPPROVAL BY THE CHIEF OF POLICE:

(1) APPLICANT IS NOT EIGHTEEN (18) YEARS OF AGE OR OLDER; OR

(2) APPLICANT DOES NOT POSSESS A VALID STATE OF MICHIGAN CHAUFFER'S LICENSE AT THE TIME OF APPLICATION; OR

(3) APPLICANT POSSESSES A DRIVING RECORD INCLUDING ONE (1) OR MORE OF THE FOLLOWING: A) A CONVICTION FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR

CONTROLLED SUBSTANCE WITHIN TWO (2) YEARS OF THE DATE OF APPLICATION; OR B) SIX (6) OR MORE POINTS FOR MOVING TRAFFIC VIOLATIONS AT THE DATE OF APPLICATION;

C) A CONVICTION FOR RECKLESS DRIVING WITHIN TWO (2) YEARS OF THE DATE OF APPLICATION OR; D) THE APPLICANT'S DRIVERS LICENSE HAS BEEN SUSPENDED OR REVOKED WITHIN TWO (2) YEARS OF THE DATE OF APPLICATION; OR

(4) APPLICANT HAS FAILED TO COMPLETE THE APPLICATION IN FULL; OR

(5) APPLICANT'S LICENSE HAS BEEN REVOKED FOR A VIOLATION OF THIS ARTICLE WITHIN FIVE (5) YEARS OF THE DATE OF THE APPLICATION FOR THE LICENSE; OR

(6) APPLICANT HAS BEEN CONVICTED OF A FELONY OR ONE OR MORE SEX-RELATED MISDEMEANORS WITHIN FIVE (5) YEARS OF THE DATE OF THE APPLICATION; OR

(7) THE APPLICANT HAS FILED AN APPLICATION CONTAINING FALSE INFORMATION WITH THE CITY CLERK; OR

(8) THE APPLICANT FAILS TO PAY THE APPROPRIATE NONREFUNDABLE FEE TO THE CITY CLERK AT THE TIME OF APPLICATION.

IF THE CHIEF OF POLICE RECOMMENDS DISAPPROVAL OF AN APPLICATION FOR THE LICENSE. THE REASONS(S) FOR THE RECOMMENDATION OF DISAPPROVAL SHALL BE PUT IN WRITING AND SHALL BE ATTACHED TO THE APPLICATION. THE APPLICATION, WITH THE ATTACHED REASONS FOR RECOMMENDATION FOR DISAPPROVAL IF APPLICABLE, SHALL BE FORWARDED TO THE CITY COUNCIL FOR ITS REVIEW AND FINAL APPROVAL OR DISAPPROVAL.

(c) THE CITY PUBLIC DRIVER'S LICENSE GRANTED HEREUNDER SHALL CONTAIN A CURRENT PHOTOGRAPH OF THE LICENSEE, AND THE LICENSEE'S SIGNATURE, AND ANY SUCH OTHER INFORMATION DEEMED NECESSARY BY THE CHIEF OF POLICE.

(d) REVOCABILITY FOR CAUSE. IF AT ANY TIME DURING THE TERM OF THE PUBLIC DRIVER'S LICENSE, ONE OR MORE OF THE REASONS STATED IN SECTION 33-28(b) OCCURS, CITY COUNCIL MAY REVOKE THE PUBLIC DRIVER'S LICENSE. THE LICENSE SHALL NOT BE REVOKED UNTIL AFTER A HEARING PURSUANT TO SECTION 33-29.

(e) EXPIRATION DATE. ALL PUBLIC DRIVER'S LICENSES, REGARDLESS OF WHEN ISSUED, SHALL, UNLESS REVOKED EARLIER, EXPIRE ENDING ON THE THIRTIETH (30th) DAY OF APRIL OF EACH YEAR.

SEC. 33-29. HEARING AND PROCEDURES FOR PUBLIC DRIVER'S LICENSE OBJECTIONS.

(a) BEFORE FILING AN OBJECTION TO THE ISSUANCE OF A PUBLIC DRIVER'S LICENSE OR TO THE RENEWAL OF A PUBLIC DRIVER'S LICENSE OR REQUESTING THE REVOCATION

OF AN ALREADY EXISTING LICENSE, THE CITY COUNCIL OR ITS DESIGNATED HEARING OFFICER SHALL HOLD A HEARING ON THE MATTER AND SERVE THE LICENSE HOLDER, OR APPLICANT, WHICHEVER IS APPLICABLE, BY FIRST CLASS MAIL, MAILED NOT LESS THAN TEN (10) DAYS PRIOR TO THE HEARING, WITH NOTICE OF HEARING, WHICH NOTICE SHALL CONTAIN THE FOLLOWING:

- (1) NOTICE OF PROPOSED ACTION;
- (2) REASONS FOR THE PROPOSED ACTION;
- (3) DATE, TIME, AND PLACE OF HEARING; AND
- (4) A STATEMENT THAT THE LICENSEE OR APPLICANT MAY PRESENT EVIDENCE AND TESTIMONY AND CONFRONT WITNESSES.

(b) A TRANSCRIPT SHALL BE AVAILABLE FOR REVIEW BY ALL PARTIES. IF THE DESIGNATED HEARING OFFICER CONDUCTS THE HEARING, THE HEARING OFFICER SHALL FORWARD TO THE CITY COUNCIL PROPOSED FINDINGS OF FACT AND A PROPOSED CONCLUSION, ALONG WITH A TRANSCRIPT OF THE PROCEEDINGS. THE CITY COUNCIL MAY AFFIRM, MODIFY OR DISAFFIRM THE HEARING OFFICER'S PROPOSED FINDING OF FACT AND CONCLUSIONS, OR CONDUCT A NEW HEARING. THE CITY COUNCIL'S DECISION SHALL BE FINAL, AND A WRITTEN STATEMENT OF ITS FINDINGS AND CONCLUSIONS SHALL BE SUBMITTED TO THE LICENSE HOLDER OR APPLICANT.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Section 4. This ordinance shall expire ten (10) years from the date of its adoption.

By COUNCILMEMBERS LINDEMANN, SCHMIDT, BLAIR, WORTHINGTON AND CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Robert B. Merrill, 1805 Herbert St., in opposition to the increase in taxes and the expenditure for the helicopter in the budget.

Received and placed on file.

Petitions received in favor of keeping the funding for the Helicopter program in the budget.

Received and placed on file.

Letter requesting co-sponsorship for the Michigan Association of Child Abuse 5-Mile Run on August 16, 1986.

Referred to the Committee on Public Safety and Properties and the Mayor.

Letter from the South Lansing Business Association regarding notification for the Aurelius Road Modification to their Group.

Referred to the Committee on Public Safety and Properties and the Mayor.

Letter from the Salvation Army regarding the Oak Park Area Survey.

Referred to the Mayor.

Charles H. Mitchner submits letter regarding budget and to discontinue the freeze on new hiring.

Received and placed on file.

By COMMITTEE ON HUMAN SERVICES AND INTERGOVERNMENTAL RELATIONS—

RESOLUTION #0216

Resolved by the City Council of the City of Lansing:

That, the Committee on Human Services and Intergovernmental Relations interviewed Mrs. Marylou Olivarez-Mason and concur in the confirmation of her appointment to the Human Relations Board for a term to expire in June 1987.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BLAIR—

That we hereby discharge the Committee on General Services so the following resolution can be given.

Carried.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0217

Whereas, the request from John Q's for transfer of location of their 1985 Class C License with Dance Permit has been approved for transfer to 224 S. Washington Ave., now, we hereby give approval for the building pending signatures from all necessary departments be obtained for final approval.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Thanked five Councilmembers for their vote on the Budget.

Prayer Breakfast to be held Thursday.

Minute Men Awards on Thursday and the "Say No to Drugs" at the Capitol on Thursday at 1:30 P..

Memorial Day Parade.

Firefighters memoriam and Veterans Ceremonies to be held.

Announced that Monday was a city holiday and City Hall would be closed. No trash pickup and no parking tickets will be issued in City on Monday.

REMARKS BY THE CITY COUNCIL

Councilmembers Lindemann thanked everyone for the work put in on the budget.

Councilmember Belen thanked Councilmembers for their work on the budget.

Councilmember Adado commented on the budget and announced the annual awards for Police and Fire Departments to be held Tuesday Night in the Council Chamber.

Councilmember Schmidt remarked on the budget process and the meeting held on Saturday regarding the downtown revitalization.

Councilmember Benavides thanked everyone for their input on the budget.

Jay Whitney, 901 Bates St., thanked councilmembers for passage of the budget and also the three members who did not vote for it for their input of important things to be considered for next year.

Roger Merrill spoke of being disappointed in the property Tax Increase and remarked that Michigan's Property Tax is one of the highest in the nation.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:40 P.M.

RITA M. BAUMAN,
City Clerk.

May 19, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

297

Proceedings, May 27, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

MAY 27, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer.

Pledge of Allegiance.

May 22, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

Thank you for passing the 1986-87 City Budget at your meeting of May 19, 1986. My proposed Budget, along with most of your amendments, will continue to address the serious fiscal problems we currently face and will maintain City services at an acceptable level. I do object to two of your amendments, however.

Pursuant to Sections 7-106 and 3-305 of the City Charter, I herewith veto the following amendments which you added to my proposed FY 86-87 Budget on May 19, 1986. The reasons for my veto are as follows.

1) Amendment 9D—Personnel Moratorium. This policy assumes that every position in a public safety department is more important than any position in any other department. Positions should be evaluated on their own merits rather than placing entire departments in a pyramid of relative importance. This policy would be highly disruptive to service delivery and extremely detrimental to employee morale. I continue my commitment to keep each and every position open for as long as can be operationally supported, particularly in light of seasonal needs, overtime costs, and legal requirements.

2) Amendment 10—Zero Base Budgeting. This amendment was passed by you near the end of your all-day Budget wrap-up session. It was passed quickly with virtually no debate. No definition was provided either for your consideration or for my implementation. The term has a multitude of meanings. Also the

lengthy effort would require an immense increase in paperwork with probable staff increases for the additional record-keeping. A policy setting forth areas of service to which you wish to give increased or decreased attention is a more meaningful approach to address your concerns. It would also provide me with a better opportunity to respond within my budget development process which is due to begin in August of 1986. If you wish to act on the above, you should consider adopting your budget policies by August 1, rather than the Charter deadline of October 1, 1986.

I wish to thank Councilmembers Belen, Benavides, Creamer, Schmidt, and Worthington for their responsible and cooperative efforts to adopt a workable City Budget. I appreciate their perseverance. I look forward to administering our 1986-87 Budget and to working with all of you for stronger neighborhoods and a strong community.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee of the Whole.

PUBLIC HEARING

May 27, 1986 at May 19, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 924 Center St.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

Lester Steadman, owner of property, spoke,

Referred to the Committee on General Services.

REVIEWING ASSESSMENT ROLLS

ROLL NO. 298

This is the time set for hearing appeals on the special assessment roll for storm sewer, curb and gutter and road reconstruction for all lands fronting on E. Jolly Rd. from So. Pennsylvania Ave. to So. Cedar St. excepting all public streets and alleys and other lands deemed not benefited.

Ruth Warren, owner of property at 553 E. Jolly Rd. spoke.

Referred to the Committee on Physical Development.

Congressman Bob Carr spoke to the City Council in regard to the proposed Federal Court for the City of Lansing.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers: Ronald Thomas Scott, Sr., David Willard Harte, Robert Edward Smykay, Lois L.

Mechanical Amusement Devices—Sir Pizza (5101 S. Waverly, 637 E. Michigan and 2417 E. Kalamazoo); Clarion Hotel; House of Ing; Stober's Cocktail Lounge; Wagner, Inc.; Connexions; Velvet Rail Billiards; Pro-Bowl, Inc.; Sholty's Bar; West Bank Restaurant and Lounge, Riverview Tavern, Trammpp's, Hall of Fame Billiards.

Wrecker Service—Jerry's Automotive; Hidy's Towing and Snowplowing.

Referred to the Committee on General Services.

Suit filed in 30th Judicial Circuit Court by Frances J. Whitten and Frederick A. Whitten v City of Lansing for injuries sustained in a fall on a city street.

Referred to the City Attorney.

Claims filed by:

a. Shirley M. Marker, 114 Park West Dr. Apt. 2E-3, for damages to roof of car from malfunctioning gate-arm at Capitol Ave.

Terry Prickett, Taylor, MI for damages to van at the So. Capitol Parking Garage.

Referred to the City Attorney.

Michigan Liquor Control Commission submits request from Dorothy E. Bleibtrey and George J. Bleibtrey requesting to add Joseph C. Bleibtrey as partner of 1986 Class C Licensed Business with Dance Permit at 326 N. Cedar St.

Referred to the Committee on General Services.

Letter from John Daher, Charter Township of Lansing Supervisor, regarding fees charged at city golf courses for township residents.

Referred to the Mayor.

Michigan Public Service Commission submits notice

of hearing in the matter of the application of Consumers Power Co. for accounting and ratemaking approval of deferred tax accounting for its electrical, gas and other operations.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 2a (Award to Stephen Duarte, City Controller—Certificate of achievement for excellence in Financial Reporting); 2c (appointment of Timothy Nichols and Robert J. Forgrave—EDC Project); 2d (Appointment of Robert E. Ford—Waterfront Development Board); 2e1 (Reappointment of Dr. Edward Spink to Board of Zoning Appeals); 2e2 (Reappointment of Geneva Smith to Traffic Board); 2d3 (Reappointment of Robert Angell to Senior Citizens Advisory Board); 2e4 (Reappointment of Ethel Hubbard to Senior Citizens Advisory Board); 2e5 (Reappointment of Clarence Rosa to Public Service Board); 2k (Available funding for Waterways projects); 2m (Sidewalk Replacement Schedule); 2n (Status of Clemens St. and Willard Ave.); and 2q (Status of the Current Retiree Group re: COLA Amendments).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Driver—Ronald Thomas Scott, Sr., David Willard Harte, Robert Edward Smykay, Lois L. Lugo.

Mechanical Amusement Devices—Sir Pizza (5101 S. Waverly, 637 E. Mich., and 2417 E. Kalamazoo); Clarion Hotel; House of Ing; Stober's Cocktail Lounge; Wagner, Inc.; Connexions; Velvet Rail Billiards; Pro-Bowl, Inc.; Sholty's Bar; West Bank Restaurant and Lounge, Riverview Tavern, Trammpp's, Hall of Fame Billiards.

Wrecker Service—Jerry's Automotive; Hidy's Towing & Snowplowing.

SIGNED:

SIDNEY WORTHINGTON
PAT LINDEMANN
LOUIS ADADO
Committee on General Services

By COUNCILMAN WORTHINGTON—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON WAYS AND MEANS—

To whom was referred the matter of the Recreation Program Fee Policy,

Reports as follows: The Committee has found inconsistencies in the fee recovery level of costs for similar programs and requests that the Administration assign the Budget Staff and Parks Staff to work with Internal Audit to prepare a comprehensive Recreation Fee Policy so that they present it to the Parks Board for their consideration. To comply with Council

policy, the Committee requests that this be completed and back to the Committee before August. 1.

Signed:

PATRICK LINDEMANN
SIDNEY WORTHINGTON
Committee on Ways and Means.

By COUNCILMEMBER LINDEMANN—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

May 19, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Beverly J. Stewart

Dear President Benavides
and Members of Lansing City Council:

On April 14, 1986, Beverly J. Stewart, 2451 Veltema Drive, Holt, filed a claim for \$191.10 for damage to her vehicle allegedly caused by construction debris from construction activity at the North Grand garage.

This claim was investigated by the Transportation Engineer who found that the City had contracted with the Vector Construction Company of Lansing for work at that site. He referred this claim to their general contractor and informed him that the project retainage would not be dispersed until this claim is settled. He also asked the construction company to advise the City Council as to the resolution of this matter.

Pending resolution of this matter by the contractor, no further action need be taken by the Council in this matter at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA

Present this Award of Financial Reporting
Achievement to:

STEPHEN W. DUARTE, CITY CONTROLLER
CITY OF LANSING, MICHIGAN

The Award of Financial Reporting Achievement is presented by the Government Finance Officers Association to those individuals who have been instrumental in their governmental unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those governmental units whose annual financial reports are judged to substantially conform to program standards.

JEFFREY L. ESSER
April 10, 1986

Received and placed on file.

May 22, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

As I am sure you are aware, the UAW CAP Council has withdrawn its support of the Riverfest. Due to liability concerns, they felt that they had no alternative but to withdraw from the activities; however, Local 652 will contribute their portion of the cost of the fireworks, \$2,500.00, should the committee decide to continue with them. The Lansing JayCees, who have also been co-sponsors, have volunteered to assume that portion of Riverfest previously tended to by the UAW CAP Council. The City of Lansing will continue its support as it has in the years past.

As part of the Policy on Co-Sponsorship as established by the Lansing City Council for the Parks and Recreation Department, this event falls under the guidelines of Policy #2, Sponsor Assistance. Sponsor Assistance does include the waiver of fees for those elements of the overall activity that are not linked to revenue generating. The policy goes on that in lieu of such fees the City of Lansing will require a deposit, from which permit fees equal to 10% of the City's expenses will be deducted. According to this policy, it is possible that the Riverfest Committee would have to pay in the neighborhood of \$2,000.00 to the City of Lansing for this event.

I am recommending the waiver of those portions of the policy which require the Riverfest Committee to pay a deposit plus the projected 10% of the City's expenses. Because this is an established policy, it will require, that should you concur with my recommendation, it will be necessary for the Lansing City Council to waive the policy.

Riverfest is a growing event and one which brings many people to our City. I feel that my recommendation is one way in which we can ensure the continuance of a highly successful event in the City of Lansing.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Ways and Means.

May 21, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and
Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Timothy Nichols and Robert J. Forgrave as Temporary Directors for the Michigan Products, Inc. Economic Development Corporation project.

Mssrs. Nichols and Forgrave are currently serving as Temporary Directors on other EDC projects.

I trust you will give careful consideration to the ap-

pointment of these gentlemen to this important project.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBERS ADADO—

That we concur in the recommendation of the Mayor and appoint Timothy Nichols and Robert J. Forgrave as Temporary Directors for the Michigan Products, Inc. Economic Development Corp. project.

Carried.

May 22, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the appointment of Robert E. Ford to the Waterfront Development Board. The term will expire June, 1988.

Mr. Ford resides at 2400 Artisan Dr. and is employed as the Project Manager with Snell Environmental Group (SEG).

He is an active community member and will contribute significantly to this Board.

I trust you will give careful consideration to the appointment of Robert E. Ford to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

May 21, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Dr. Edward Spink to the Board of Zoning Appeals. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Dr. Ed Spink to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the

Mayor and confirm the reappointment of Dr. Edward Spink to the Board of Zoning Appeals.

Carried.

May 20, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Geneva Smith to the Traffic Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Geneva Smith to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the reappointment of Geneva Smith to the Traffic Board.

Carried.

May 20, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Robert Angell to the Senior Citizens Advisory Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Robert Angell to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the reappointment of Robert Angell to the Senior Citizens Advisory Board.

Carried.

May 22, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Ethel Hubbard to the Senior Citizens Advisory Board. The term will expire

in June, 1990.

I trust you will give careful consideration to the reappointment of Ethel Hubbard to this important Board.

to this important Board.

Best personal regards.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the reappointment of Ethel Hubbard to the Senior Citizens Advisory Board.

Carried.

May 20, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Clarence Rosa to the Public Service Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Clarence Rosa to this important Board.

Best personal regards.

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the reappointment of Clarence Rosa to the Public Service Board.

Carried.

DATE: 5/22/86

TO: Council President Benavides and Members of the
Lansing City Council

FROM: Terry J. McKANE, Mayor

SUBJECT: Proposed Amendment to Poxson
Agreement

Transmitted herewith you will find a copy of each of the following items:

1. Proposed Amendment to Poxson Agreement.
2. Memo received by me from Alan E. Tubbs, Director of Planning and Municipal Development.
3. Memo received by Mr. Tubbs from Ronald G. Stonehouse, Development Division Director.
4. Memor received by me from Alvan P. Knot, Chief Assistant City Attorney.
5. Resolution regarding the proposed contract

amendment.

Based on the recommendations of staff, I recommend that the proposed amendment be approved by the Lansing City Council at your meeting scheduled for May 27, 1986.

Referred to the Committee on Public Safety and Properties.

DATE: 5/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Dir.

Re: Vacation of Harton Street

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 5/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Dir.

Re: Z-6-86, 1206 Mary Ave.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Dir.

Re: Z-7-86, 1903 Wood/1804 David Streets

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: Z-8-86, 2108 North East St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: Z-9-86, 925 East Oakland Ave.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: Z-10-86, 4516 South Logan St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: Z-11-86, 1121 May St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: SLU-3-86, 3000 Block of West Jolly Rd.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: 5/22/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Devel. Dept. Dir.

RE: ACT-17-86, Alley East of Cedar, South of Kalamazoo

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

May 20, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear Council President Benavides and City Councilmembers:

Information was received from the State of Michigan by my office in February that there was funding available for waterways projects. I advised the Parks and Recreation Director to proceed with the development of a project. An application was submitted to the Waterways Division for canoe launch and access to the river at three points, Burchard Park, east side of Riverfront Park and Moores Park. (Map and plans on each site are attached.)

The grants are usually a 50/50 match; however, this one was awarded 56/44—State share \$24,000, City share \$20,000.

The Grants Coordinator has been advised of the approval of the \$24,000 of funding. It would be greatly appreciated if you would approve the attached resolution accepting the funds. The matching funds are available in a Parks and Recreation account.

Thank you for your assistance and consideration.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Ways and Means.

DATE: 5/20/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Director

RE: Trash in R.O.W. Assessment for June, 1986
(V-12)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and this trash in R.O.W Assessment in the amount of \$990.00 be placed on the June, 1986 Tax Roll (V-12).

Carried.

DATE: 5/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Director

RE: Sidewalk Replacement Schedule

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 5/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Public Service Director

RE: Status of Clemens St. & Willard Ave.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: 5/22/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept. Dir.

RE: Zoning Ordinance Amendments

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on General Services.

DATE: 5/21/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Director

RE: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

DATE: 5/23/86

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Retirement Benefits

RE: Status of the Current Retiree Group
RE: COLA Adjustment

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0218

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 915 Clark Street legally described as:

Lot 26, Assessor's Plat No. 21.

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on January 23, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on May 19, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment

record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0219

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1701 South Washington legally described as:

W 79 Ft. of the N 32 Ft of Lot 3, Orchard Home Addition

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on January 23, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on May 19, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and

Be It Further Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within thirty (30) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By COUNCILMEMBER CREAMER—

That we amend this resolution from "30 days" to "20 days" to make safe or demolish.

Failed by the following vote:

Yeas—Councilmembers Creamer, Schmidt—2.

Nays—Councilmembers Adado, Belen, Benavides, Lindemann, Worthington—5.

The original resolution was adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0220

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Housing Commission has requested an exemption from the Commission's obligation of Payment in Lieu of Taxes (PILOT) to the City of Lansing due to projected decreases in Commission revenues from the federal government; and

Whereas, the requested exemption would result in a loss of approximately \$100,000 in anticipated City revenues for fiscal year 1986-87; and

Whereas, the Finance Director, the Mayor and the Committee on Ways and Means have reviewed the request and its projected impact, and concur in a recommendation to deny the Housing Commission request;

Now, Therefore, Be It Resolved the Lansing City Council hereby concurs with the joint recommendation to deny the Lansing Housing Commission's request for an exemption from Payment in Lieu of Taxes to the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #221

Resolved by the City Council of the City of Lansing:

Whereas, the Executive Director of the Tri-County Office on Aging has requested City co-sponsorship of the annual "Friends for Life" benefit banquet, to be held on September 12, 1986, and

Whereas, the City annually appropriates a small amount of funds to co-sponsor such events for the benefit of non-profit organizations,

Now, Therefore, Be It Resolved that the Lansing City Council agrees to co-sponsor the annual "Friends for Life" banquet, and that the fee shall be charged to the appropriate administrative account.

Adopted by the following vote:

Unanimously.

Councilmember Blair entered the meeting.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0222

Resolved by the City Council of the City of Lansing:

Whereas, on June 25, 1984, the City of Lansing and Charles R. Barnes, Richard A. Barnes and Foster-Schmerhorn-Barnes, Inc., did enter into a contract regarding the sale and subsequent development of property commonly known as the Poxson property; and

Whereas, on February 21, 1986, the City of Lansing did enter into an amendment to the contract which, among other things, provided approval of the assignment of that contract to Riverview Associates consisting of general partners Max A. Coon and Midwest Bridge Company, pursuant to an Agreement to Assign dated January 30, 1986; and

Whereas, River view Associates consisting of general partners Max A. Coon and Midwest Bridge Company have proposed an additional amendment to the contract dated June 25, 1984 as amended February 21, 1986 which would, if approved, delete the requirement to provide on-site underground parking and increase the purchase price to be paid to the City for the property; and

Whereas, pursuant to the February 21, 1986 contract amendment Riverview Associates must receive approval by the City of financing documents for the development of the property known as the Poxson property no later than May 30, 1986.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, that the February 21, 1986 amendment which provides that the date of May 30, 1986 by which Riverview Associates consisting of the general partners Max A. Coon and Midwest Bridge Company must receive approval from the City of its financing documents be amended to provide that the date by which Riverview Associates consisting of the general partners Max A. Coon and Midwest Bridge Company must receive City approval of its financing documents shall be June 3, 1986; and

Be It Further Resolved by the City Council of the City of Lansing that the contract amendment reflecting the change in the date from May 30, 1986 to June 3, 1986 be prepared by the City Attorney and submitted to Max A. Coon and Midwest Bridge Company for their signatures and that the Mayor and City Clerk be and are hereby authorized to execute the contract amendment on behalf of the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #223

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is the Capitol City of the State of Michigan; and

Whereas, construction of Federal District Court facilities in the City of Lansing would result in greater efficiency and reduced expense in Federal litigation concerning the State of Michigan and the City of Lansing with resultant savings to the taxpayers in this area; and

Whereas, presence of a Federal District Courtroom in the City of Lansing would be of benefit to the area's legal community, including the students of Thomas M. Cooley School of Law; and

Whereas, the construction of Federal court facilities in the City of Lansing would be of general benefit to the City of Lansing and to citizens of the Greater Lansing area.

Now, Therefore, Be It Resolved that the City Council of the City of Lansing supports and urges that every possible consideration be given to the construction of Federal court facilities in the City of Lansing for the Federal District Court for the Western District of Michigan.

Adopted by the following vote:

Unanimously.

By WAYS AND MEANS COMMITTEE—

RESOLUTION #0224

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$5,500.00 from Recreation Div. Rec. Admin.-
Utilities
A/C 101-725-000-920

\$5,500.00 to Parks & Rec. Rec. Div.
Rec. Admin.-Construction
A/C 101-725-500-799
(construction of a barrier-free design ramp to the lower level meeting room at Fenner Arboretum nature center, required by City building permit.)

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
Ways and Means Committee

Adopted by the following vote:

Unanimously.

By COUNCILMEMBERS BELEN, WORTHING-

TON, LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Gil Haley in regard to traffic control on Clippert St. and problems with traffic using the parking lot of the Country Store as a turnaround.

Referred to the Mayor for action.

Letter from Marjorie Laycock, Dunkerton, IA., concerning damage to grave site at Evergreen Cemetery.

Referred to the City Attorney and the Parks Dept.

May 23, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and Councilmembers:

As you likely are aware, there are several upcoming Michigan forums and symposiums titled "The Black Child in Crisis."

One of these will be held in our community:

June 9-10, 1986, Sheraton Inn

The person involved in this program would like the City of Lansing to serve as a co-sponsor. There is no cost involved.

I believe this will be an excellent set of programs, and I recommend that you approve City co-sponsorship (with no expenditure of City funds).

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and co-sponsor "The Black Child in Crisis" forum to be held June 9-10, 1986 at the Sheraton Inn.

Carried.

May 27, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Vincent William Lawrence

Dear President Benavides and
Members of Lansing City Council:

Vincent William Lawrence submitted a claim for damage to his automobile windshield in the amount of \$189.01. Claimant states that on Friday, March 25, 1986 he parked his car in the parking lot of Groesbeck Golf Course. When claimant returned to his car he found the windshield shattered.

A report prepared by the Lansing Parks Police indicates that the claimant's windshield was smashed by some object, possibly a golf ball. The windshield was shattered on the passenger side of the 1984 Ford LTD. In addition, a City employee and a City official examined the damage to claimant's vehicle and are convinced that the damage was the result of a golf ball striking claimant's vehicle.

Pursuant to the *Ross v Consumers Power* decision, the operation of a municipal golf course may fall within the category of a governmental function to which immunity from liability for negligent acts is extended. The fact that fees are charged, does not necessarily remove that immunity. However, in cases such as this where the cause of damage is clear, it has been the City's practice to pay such claims.

Therefore, it is the recommendation of this office that this claim be granted in the amount of \$189.01.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$189.01 payable to Vincent William Lawrence.

Carried.

PRELIMINARY BORROWING RESOLUTION

RESOLUTION #0225

At a regular meeting of the City Council of the City of Lansing, Michigan (the "City"), held on the 27th day of May, 1986.

Present: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington.

Absent: None.

The following preamble and resolution were offered by Councilman Lindemann and seconded by Councilman Belen:

Whereas, the City is authorized by Section 3b of Chapter IV of Act 202 of the Public Acts of Michigan, as amended, MCL 131.1 *et seq.* ("Act 202"), to borrow money and issue its notes ("Notes") in anticipation of the collection of all or part of the property taxes to be levied on July 1, 1986 (the "Levy Date"), on property located within the corporate boundaries of the City by the City and by any or all of the other units of government for which the City is the local property tax collecting unit pursuant to Act 206 of the Public Acts of Michigan of 1893, as amended, MCL 211.1 *et seq.* ("Act 206") (collectively, the "Units");

Whereas, the City is further authorized by Act 202 to distribute to itself and to the Units the proceeds of such Notes together with sufficient amounts of the initial tax collections, if needed, to effect a 100% funding of the taxes levied, thereby providing the City and the Units with an improved cash flow for local budget purposes; and

Whereas, pursuant to Act 202, the City has or will shortly provide notice to each of the Units of its intent to issue the Notes; and

Whereas, pursuant to such notice, the Units have each adopted or are expected to adopt a resolution to consent to and request the issuance of the Notes and to authorize the execution of an agreement with the City (collectively, the "Tax Levy Agreements") to set forth the responsibilities of the City and each Unit with respect to the Notes; and

Whereas, the issuance of the Notes will serve a public purpose; and

Whereas, pursuant to Act 202, the City hereby determines to borrow an amount to be determined and issue its tax anticipation notes to evidence such borrowing; and

Whereas, various proposals respecting the purchase and issuance of the Notes have been received and reviewed;

Now, Therefore, It Is Resolved, as follows:

1. The proposal of Bankers Trust Company (the "Purchaser") respecting the purchase and issuance of the Notes is hereby tentatively accepted.

2. The City shall borrow an amount and issue, in anticipation of the pledged portion of the Tax Levy, the Notes pursuant to Act 202. The exact amount of the borrowing shall be determined by further resolution of this Council prior to issuance of the Notes.

3. The Notes shall be sold at a private sale to the Purchasers pursuant to Act 202 in accordance with a note purchase agreement to be negotiated. A notice of the sale of the Notes shall be published in a publication approved by the Michigan Department of Treasury within 45 days after delivery of the Notes to the Purchaser in conformity with Act 202.

4. The Notes shall be delivered with the unqualified legal opinion of Miller, Canfield, Paddock and Stone, bond attorneys of Detroit, Michigan, who are designated as note counsel with respect to the Notes.

5. The Mayor, City Clerk, City Assessor, City Treasurer, City Attorney, Finance Director and/or City Controller are authorized and directed to negotiate the terms of such certificates, affidavits, documents or instruments as may be required or be convenient to effectuate the execution and delivery of such documents or the Notes.

6. The City Controller is hereby directed to file Application to the Michigan Department of Treasury for approval to issue the Notes.

7. All actions taken on behalf of the City by the City Treasurer, the City Controller or other officials of the City with respect to the issuance of the Notes, including negotiations with the Purchasers, are ratified.

8. This Resolution shall be effective immediately upon adoption.

9. All resolutions or parts of resolutions in conflict with this Note Authorizing Resolution shall be, and the same are, rescinded.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
COUNTY OF INGHAM) SS.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 27th day of May, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Excluding vehicles transporting handicappers from the definition of "School Bus" in section 31-89.1 was introduced by Councilmember Worthington read a first and second time by its title and referred to the Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0226

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, June 2, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the ordinance amending Section 31-89.1 to exclude vehicles transporting handicappers from the definition of "School Bus".

REMARKS BY THE MAYOR

Street reconstruction and Street Closings announced.

Grand Avenue closed until July 1, 1986 between Ottawa and Ionia Sts.

CATA location to take place June 2, 1986.

Sesquiennial celebration starts on June 14, 1986.

Congratulations to Cemetery workers for fine work in view of all the rain received before Memorial Day.

REMARKS BY THE CITY COUNCIL

Councilmember Schmidt commented on Parks Dept. work at cemeteries.

Councilmember Lindemann asked the administra-

tion to check on the ceiling leaks in Council Chambers and report at Committee of the Whole meeting on Thursday.

Councilmember Blair explained he had a previous commitment earlier tonight and thanked council for excusing him to attend.

Councilmember Adado requested gravel for Willard Street residents until construction is finished.

Councilmember Creamer spoke of grass being too high at Sycamore and Saginaw Sts.

Mary Haney thanked City Council for their vote on the helicopter program.

Anna Stevenson questioned the raise in taxes and keeping helicopter unit also told of problems encountered with Police Dept. in the answering of calls to her neighborhood.

Nancy Erickson, 314 Memphis spoke of the need for parking in their area for people having company on weekends, etc. Their street was recently posted as a tow away zone. Meeting set up with council committee concerning this.

Michael Spaw, 318 Memphis St. spoke of the need for parking on the city streets in their area.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:50 P.M.

RITA M. BAUMAN,
City Clerk.

May 27, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, June 2, 1986

309

CITY COUNCIL ROOMS

Lansing, Michigan

June 2, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—7.

Absent: Councilman Creamer—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By Councilmember Schmidt—

That the council proceedings of April 28 and May 5, 1986 be approved and Carried.

Councilmember Lindemann left the session.

PUBLIC HEARING

June 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for hold a public hearing on the proposed Ordinance amending Chapter 31, Section 31-89.1 to exclude vehicles transporting handicappers from the definition of "School Bus".

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance amendment they would have the privilege of speaking at this time.

Richard Halik, 3030 Carriage Hill, spoke, urging revision of Chapter 31 section 31-89-9 of the code and passage of Senate Bill 567.

Councilmember Lindemann returned to the meeting.

Referred to Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING

ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Mrs. Hanh Phung of Aux Delices Restaurant spoke on Communication #4.

Sue Eby, 130 Island, spoke on Mayor's letter #4d.

Harvey Stokes, Secretary of Sion Ministries, Inc., spoke regarding Communication #6.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers—Ronald J. Eberline, Robert W. Davis, Kevin J. Sheahan, Joyce I. Vaughan-Barker.

Referred to the Committee on General Services.

Claims filed by:

a. Kristin J. Kuerbitz, 4215 W. Michigan Ave., #5, for damages to automobile tires and rim from hitting a pot hole.

b. Garry Perkins, Eaton Rapids, Mi. for damage to bronze vase at North Cemetery.

c. Nancy Washburne, 1010 N. Waverly Rd., for damages to backyard fence by contractors who worked in the Waste Water Treatment Project.

d. Lester Stevens, 119 N. Clemens St., for payment for Lansing Mercy Ambulance Service.

Referred to the City Attorney.

Continental Cablevision of Michigan, Inc. submits notice in accordance with their franchise of an increase in basic cable rates.

Received and placed on file.

Request from Aux Delices Restaurant, 318 S. Washington Sq., for permission to open a sidewalk cafe.

Referred to the Mayor.

Ingham Co. Department of Equalization submits 1986 Complete Millage Reduction Fraction Computation.

Referred to the Mayor.

Sion Ministries, Inc., requests approval and co-sponsorship of summer concerts in City of Lansing parks.

Referred to the Mayor and Committee on public safety and properties.

Request for Vehicle for Hire license filed by L.E. and Debra J. Taylor and Patricia S. Hamilton.

Referred to the City Clerk and Committee on General Services.

Michigan Department of Natural Resources submits:

a. Notice concerning Raw Sewage Discharges.

Referred to the Mayor.

b. Notice of The Board of Water and Light applying for permit to conduct a temporary four foot drawdown of the Grand River for repairs to gate seals on the dam gates.

Received and placed on file.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letter 2a (Proclamation - Michigan Millers Penguin Day; which was presented to Michelle Goff, Nancy Harris and Jake Johnson, representing employees, and to management of Michigan Millers Insurance Co. President Charles B. McGill for their support of the Penguin exhibit at Potter Park Zoo); 2b (Annual Police and Fire Field Day and Safety Patrol Picnic - Thank You); 2d (River Island Amendment Plan); 2e (Adult Crossing Guard Study - Beau Jardin at Duvernay); 2f (1986 Consolidated Tax Anticipation Notes).

PROCLAMATION

Whereas: The Mutuality Association, an employee organization of Michigan Millers Insurance Company has undertaken a fund raising project to provide support for the Penguin exhibit now being completed in Potter Park Zoo; and

Whereas: The employees, represented by Michelle Goff, Nancy Harris, and Jake Johnson, raised \$3,000 through the sale of candy, nuts and beach towels; and

Whereas: Michigan Millers, through company president Charles B. McGill added to the earnings for a total contribution of \$5,000; and

Whereas: The funds will be used by the City of Lansing toward the purchase of sixteen Magellanic Penguins, representing the first new exhibit as part of the zoo redevelopment; and

Whereas: Planned improvements to the Zoo are made possible primarily through the support of the

private community, with Michigan Millers and its employees setting an outstanding example for others to follow.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim Tuesday, June 3, 1986, as:

MICHIGAN MILLERS "PENGUIN DAY"

in Lansing and urge all resident of this community to applaud their outstanding effort and dedication to improvement of the zoo and the community it serves.

Given under my hand and the Seal of the City of Lansing this second day of June in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. MCKANE
Mayor.

Received and placed on file.

REPORT OF COMMITTEE

The Committee on General Services approves the following licenses and bonds:

Public Driver: Ronald J. Eberline; Robert W. Davis; Kevin J. Sheahan; Joyce Ilene Vaughan-Barker;

Signed:

SIDNEY P. WORTHINGTON
PATRICK LINDEMANN
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

TO WHOM WAS REFERRED THE Mayor's recommendation on requests for construction-related street closures and work-hour extensions,

REPORTS AS FOLLOWS: The Committee concurs with the Mayor's recommendation to approve street closures requested by MDOT in July, as well as the work-hour extension requested by Barton Malow for the Convention/Exhibition Facility construction, provided that these projects do not involve the July Fourth Weekend or Labor Day Weekend.

Signed:

JAMES BLAIR
LOUIS ADADO
TONY BENAVIDES
Committee on Public Safety & Properties

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the re-zoning petition -Z-2-86, 5647 Hughes Rd. to be rezoned from "A" Residential District to "F" Commercial District.

Reports as follows: That said rezoning be approved.

Signed:

ALFREDA SCHMIDT
LUCILE E. BELEN
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Yeas—Councilmen Adado, Belen, Benavides, Lindemann, Schmidt, Worthington—6.

Nays—Councilman Blair—1.

REPORTS OF CITY OFFICERS AND BOARDS

May 29, 1986

Council President Benavides and
Members of the Lansing City Council

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's Office by the Budget Director. (NO. 44-50)

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means.

DATE: 5/28/86

TO: Council President Tony Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Lansing Area Safety Council

Re: Annual Police and Fire Field Day &
Safety Patrol Picnic - Thank You.

The attached correspondence is being submitted for
your information.

Terry J. McKane
Mayor

Received and placed on file.

DATE: 5/29/86

TO: Council President and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Building Safety Director

RE: Request for Public Hearings:

826 Prospect
323 W. Grand River

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Terry J. McKane
Mayor

Referred to the Committee on General Services

DATE: 5/29/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: River Island Amendment Plan

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Terry J. McKane
Mayor

Referred to the Committee on Physical Development.

DATE: 5/29/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division.

RE: Adult Crossing Guard Study-Beaujardin at
Duvernay

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Terry J. McKane
Mayor

Referred to the Committee on Public Safety and
Properties.

May 28, 1986

City Council President Benavides and
Councilmembers
10th Floor City Hall
Lansing, MI 48933

Dear Council President Benavides and
Councilmembers:

Submitted for your consideration and action is the final borrowing resolution for the City's 1986 Consolidated Tax Anticipation Notes. Your approval of this resolution on June 2, 1986 will enable the City to issue the notes 20 days earlier than last year.

This earlier issuance has several advantages. First, the school districts will receive their share of the note

proceeds 20 days earlier than last year, thereby, allowing them to earn an additional investment return. Second, the issue size can be increased by an amount equal to the first 20 days tax collections which will result in more investment income for the City. Finally, a lower interest rate on the notes is likely due to the smaller number of notes expected to be issued June 9 as opposed to July 1. This lower interest rate on the debt instruments would result in a higher investment return to the City.

For these reasons, I strongly urge you to approve this resolution on Monday, June 2, 1986.

Sincerely,

Terry J. McKane
Mayor

Referred to the Committee of the Whole (Resolution on the agenda)

DATE: 5/29/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Public Service Director

RE: Trash in a R.O.W. Removal Assessment for
June, 1986 (V-12)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Terry J. McKane
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the trash in R.O.W. Removal Assessment be placed on the June, 1986 (V-12).

Carried.

DATE: 5/29/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Terry J. McKane
Mayor

Referred to the Committee on Ways and Means

RESOLUTIONS

By THE COMMITTEE OF THE WHOLE

RESOLUTION #0227

Resolved by the City Council of the City of Lansing:

Whereas: Judge Jack W. Warren retired from public office Friday, May 23, 1986, after 20 years of outstanding service to the Lansing community as Ingham County Circuit Judge; and

Whereas: Jack is a long-time area resident, having graduated from Lansing Everett High School, Michigan State University, and the University of Michigan Law School; and

Whereas: early in his career, Jack showed the traits of a true leader as chairman of the Ingham County Junior Bar and chief assistant prosecutor; and continued serving the public with distinction as Lansing Municipal Judge, 1953-56; Ingham County Prosecutor, 1957-61; and Lansing City Attorney under former Mayor Willard Bowerman, 1961-63; and

Whereas: Jack was elected Ingham County Circuit Judge on November 8, 1966, and has served in that demanding post for 20 years with dedication and fairness, presiding over some of the most challenging civil and criminal cases ever tried in Michigan courts, and bringing his sense of justice and balance to many difficult transitions in court rules and procedures; and

Whereas: Jack Warren is a man not only respected by his legal colleagues, but loved by the community for which he has worked tirelessly as a volunteer, serving on the Ingham County Fair Board, as a Charter Member of 100 Club, and as a coach of Little League Football; and

Whereas: the Lansing Community owes a debt of gratitude to Judge Warren for his 35 years of dedication and service to the public;

Now, Therefore, Be It Resolved, the Lansing City Council, on behalf of every citizen in Lansing, hereby presents this special Resolution of Tribute to Judge Jack W. Warren in grateful recognition of his exemplary service as a public official, and for the immeasurable contribution he has made to the quality of life in this City; and

Be It Further Resolved, the City Council wishes Jack, his wife Patricia and his entire family good health and happiness in the years to come.

Adopted by the following vote:

Unanimously.

RESOLUTION #0228

Resolved by the City Council of the City of Lansing:

Whereas: Kenneth S. Browand will retire from his position as Director of the Lansing Public Library on June 30, 1986; and

Whereas: Mr. Browand was born and raised in Pennsylvania, served in the U.S. Navy during World War II, then earned a bachelor's degree from Penn State University; and

Whereas: Mr. Browand then served in a variety of library-related positions in Michigan and Florida until September 1970, when he was hired by the Lansing Board of Education as Director of the Lansing Public Library; and

Whereas; Mr. Browand has worked diligently to improve services at the main library downtown, the Jolly-Cedar branch library, the Bookmobile, and the newest branch library at Foster Community Center;

Now, Therefore, Be It Resolved the Lansing City Council hereby recognizes the achievements of Kenneth S. Browand, Lansing Public Library Director, and wishes him many happy and health years of retirement.

Adopted by the following vote:

Unanimously.

By the COMMITTEE ON WAYS AND MEANS

RESOLUTION #0229

Resolved by the City Council of the City of Lansing:

Whereas; the Mayor has recommended that the City waive certain fees for Riverfest; and

Whereas; the requested waiver is for non-revenue generating elements of Riverfest; and

Whereas; the City Council endorses this request,

Now, Therefore, Be It Resolved, the City Council hereby waives permit fees and deposit for the 1986 Riverfest.

Adopted by the following vote:

Unanimously.

The resolution from the Committee on Ways and Means regarding Acceptance of the DNR Waterways Grant funds was pulled for 1 week.

By the COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0230

Resolved by the City Council of the City of Lansing:

THAT the Mayor's appointment of Robert E. Ford to a vacant seat on the Waterfront Development Board, for a term to expire June 30, 1988, is hereby confirmed.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0231

Resolved by the City Council of the City of Lansing:

Whereas, on June 25, 1984, the City of Lansing and Charles R. Barnes, Richard A. Barnes and Foster-Schermerhorn-Barnes, Inc., did enter into a contract regarding the sale and subsequent development of property known as the Poxson property; and

Whereas, on February 21, 1986, the City of Lansing did enter into an amendment to that contract which, among other things, provided approval of the assignment of that contract to Riverview Associates consisting of general partners Max A. Coon and Midwest

Bridge Company, pursuant to an Agreement to Assign dated January 30, 1986; and

Whereas, Riverview Associates consisting of general partners Max A. Coon and Midwest Bridge Company have proposed an additional amendment to the contract dated June 25, 1984, which would, if approved, delete the requirement to provide on-site underground parking and increase the purchase price to be paid to the City for the property by \$30,000;

Now, Therefore Be It Resolved by the City Council of the City of Lansing, that the attached contract amendment be and is hereby approved and that the Mayor and City Clerk be and are hereby authorized to execute said contract amendment on behalf of the City of Lansing; and

Be It Further resolved that the contract also be and is hereby amended to provide that acceptable evidence of mortgage financing and equity capital shall be provided by Riverview Associates consisting of general partners Max A. Coon and Midwest Bridge Company to the City on or before June 6, 1986.

By COUNCILMEMBER ADADO—

That this resolution be amended in the 4th paragraph, second line, after the word Lansing, to insert "on the recommendation of the City Administration".

Carried.

The resolution as amended was adopted by the following vote:

Yeas—Councilmen Adado, Belen, Benavides, Lindemann, Schmidt, Worthington—6.

Nays—Councilman Blair—1.

AMENDMENT TO AGREEMENT

This Amendment to Agreement entered into this 2nd day of June, 1986, by and among the CITY OF LANSING (the "City") and RIVERVIEW ASSOCIATES (the "Developer").

WITNESSETH

Whereas, the City and Charles R. Barnes, Richard A. Barnes and Foster Schermerhorn Barnes, Inc. entered into an Agreement dated June 24, 1984 (the "Agreement") for the purchase and development of the Poxson Property; and

Whereas, the Agreement was assigned to the Developer pursuant to an Agreement to Assign dated January 30, 1986; and

Whereas, the City and the Developer amended certain portions of the Agreement by an Amendment to Agreement dated February 21, 1986; and

Whereas, the City and the Developer wish to further amend certain sections of the Agreement, as amended;

Now Therefore, the City and the Developer in consideration of the covenants and undertakings herein expressed, amend the Agreement as follows:

1. Article I of the Agreement, as amended, is amended to read as follows:

ARTICLE I: Development of the Poxson Property.

The Developer proposes to construct a building of approximately seventy-four thousand (74,000) square feet subject to approval by the Department of Natural Resources and the City, and which at the present time includes approximately sixteen thousand (16,000) square feet for luxury penthouse office suites and approximately fifty-eight thousand (58,000) square feet of office and/or retail space in the proposed building to be named the Grandview Plaza. The office and/or retail space will include the area of the basement of the existing building with appropriate access and orientation to a riverwalk which is proposed to be constructed in accordance with this Agreement. While Developer currently anticipates operating the Poxson Property on a rental basis, it may be converted to condominiums in the future. The development shall incorporate portions of the existing Poxson building. Final development plans shall be included as part of this Agreement. All plans and construction are subject to review, approval and inspections by the City to ensure compliance with building code and zoning requirements and to ensure that the development conforms with the general development parameters contained in the Proposal.

2. The initial paragraph of Article V of the Agreement is amended to read as follows, without change to paragraphs V (a) through V(h):

ARTICLE V. Purchase Price.

The City and the Developer agree to a value of One Hundred Ninety Thousand and No/100 (\$190,000.00) Dollars for the existing Poxson Building and Thirty Thousand Six Hundred and No/100 (\$30,600.00) Dollars for the vacant land, which together comprise a total value of Two Hundred Twenty Thousand Six Hundred and No/100 (\$220,600.00) Dollars, which shall be the Purchase Price for the Poxson Property.

IN WITNESS WHEREOF, the City has caused this Amendment to Agreement to be duly executed in its name and behalf by its Mayor and it Seal to be hereunto duly affixed and attested by its City Clerk and the Developer has caused this Amendment to Agreement to be duly executed in its name and behalf by all of its partners, on or as of the date first above written.

Developer: Riverview Associates; By: Max A. Coon, Partner; Midwest Bridge Company, Partner; By: Andrew S. Zynda, President.

Witnesses: Hazel R. Leonard; Lary Johnson.

State of Michigan (SS) County of Ingham

On this 23rd day of May, 1986, before me, a Notary Public, personally appeared Max A. Coon, on behalf of Riverview Associates, and Andrew S. Zynda, on behalf of Midwest Bridge Company, and of their own free will did affix their signature to the above Agreement.

Hazel R. Leonard
Notary Public
Ingham County, Michigan
My Commission Expires:
May 7, 1989

CITY:

CITY OF LANSING, MICHIGAN

By: TERRY J. MCKANE
Its: Mayor

By: RITA M. BAUMAN
Its: City Clerk

State of Michigan)
) SS
County of Ingham)

On this 2nd day of June, 1986, before me, a Notary Public, personally appeared Terry J. McKane and Rita A. Bauman, the Mayor and City Clerk, respectively, of the City of Lansing, and of their own free will did affix their signatures to said Agreement.

Notary Public
Ingham County, Michigan
My Commission Expires:

Approved as to form only:

City Attorney

Certification as to availability of funds.
Account No. _____

City Controller

By ECONOMIC DEVELOPMENT COMMITTEE

RESOLUTION #0232

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-5-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 200 N. Larch St.; and

Whereas, Inter State Foods, Inc. has submitted an application for an Industrial Facilities Exemption Certificate for rehabilitation of an existing facility; and

Whereas, a hearing was held on Inter State Food's application for the Exemption Certificate on May 12, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Inter State Foods, Inc. has met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of the this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated May 13, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Inter State Foods, Inc. for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of equipment in Lansing Plant Rehabilitation District IPR-5-85, to remain in affect for twelve years.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE
RESOLUTION #0233

Resolved by the City Council of the City of Lansing:

Whereas; the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-5-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 200 N. Larch St.; and

Whereas; Inter State Foods, Inc. has submitted an application for an Industrial Facilities Exemption Certificate for new equipment and other improvements; and

Whereas; a hearing was held on Inter State Food's application for an the Exemption Certificate on May 12, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas; Inter State Foods, Inc. has met the requirements for Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas; this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated May 13, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Inter State Foods, Inc. for an Industrial Facilities Exemption Certificate for new equipment and other fixtures in Lansing Plant Rehabilitation District IPR-5-85, to remain in affect for twelve years.

Adopted by the following vote:

Unanimously.

By THE COMMITTEE ON ECONOMIC
DEVELOPMENT:

RESOLUTION #0234

LANSING CITY COUNCIL

RESOLUTION APPROVING PROJECT AREA,
AND ESTABLISHING PROJECT
DISTRICT AREA

(Michigan Products, Inc. Project)

At a regular meeting of the City Council of the City of Lansing held at the City Hall, Tenth Floor, County of Ingham, Michigan, on the 2nd day of June, 1986, at 7:00 o'clock, p.m., Michigan Time, pursuant to notice duly given.

Present: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington.

Absent: Councilmember Creamer.

The following preamble and resolution were offered by Member Adado and supported by Member Belen:

Whereas; the Economic Development Corporations Act, Public Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), recognizes that

there exists in the State of Michigan the continuing need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises to strengthen an revitalize the economy, to encourage and assist the location and expansion of industrial and commercial enterprises to more conveniently provide needed services and facilities to the State, the City of Lansing, and the residents thereof, to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

Whereas; the Act provides a means by which these needs may be addressed; and

Whereas; David L. McSherry has notified the Economic Development Corporation of the City of Lansing (the "Issuer") of a project that would assist in the alleviation of the aforementioned conditions; and

Whereas; the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Council for its approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THIS CITY COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. The following Project Area, as designated by the Issuer is hereby certified as approved:

See Exhibit "A"

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area is hereby established.

3. Pursuant to Section 20(b) of the Act, a Project Citizens District Council is not required and, therefore, the Project Citizens District Council shall not be formed.

4. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Adopted by the following vote:

Unanimously.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

The undersigned duly qualified and acting Clerk of the City of Lansing, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on the 2nd day of June, 1986, an original of which is on file in my office and is available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 2nd day of June, A.D., 1986.

Rita M. Bauman
Lansing City Clerk

Exhibit A

A part of section 3, T3N, R2W. More particularly all of Lot #29, except the easterly 50' and the northerly 210' of Lot #41, City of Lansing, County of Ingham, Michigan.

PUBLIC IMPROVEMENT IV**By COMMITTEE ON PHYSICAL DEVELOPMENT—****RESOLUTION #0235**

Resolved by the City Council of the City of Lansing:

That the special assessment roll for Jolly Road Reconstruction, PS 67051*.

Assessment Roll No. 298, St. Sewer, C&G & Rd. Reconst.

Property Benefited All lands fronting on E. Jolly Rd. from S. Pennsylvania Ave. to S. Cedar St. excepting all public streets & alleys & other lands deemed not benefited.

as returned by the City Assessor (as amended by the City Council upon review as follows) be and the same is hereby ratified and confirmed, and the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax on or before the 2nd day of September 1986.

Note: This project let by M.D.O.T. under Agreement with City (MR 2003(083).

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT V**RESOLUTION #0236.****By COMMITTEE ON PHYSICAL DEVELOPMENT—**

Resolved by the City Council of the City of Lansing:

That the supplementary special assessment roll for #299 Side Walk Repair.

Assessment Roll No. 299; Various Locations (See Attached) actual assessed cost \$49,456.73.

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before August 27, 1986.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—**RESOLUTION #0237**

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, June 23, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving Special Land Use SLU-3-86, 300 Blk. W. Jolly Rd. to be used for relocation of a church.

Adopted by the following vote:

Unanimously.

By THE COMMITTEE OF THE WHOLE—

RESOLUTION #0238.**BORROWING RESOLUTION APPROVING THE ISSUANCE OF TAX ANTICIPATION NOTES**

At a Regular meeting of the City Council of the City of Lansing, Michigan, (the "City") held on the 2nd day of June, 1986.

Present: Members Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington.

Absent: Member Creamer.

the preamble and resolution attached hereto were offered by Member Schmidt and seconded by Member Belen—

The attached Resolution was offered by Member Schmidt, supported by Member Belen and the Members voted as follows:

Yeas—Members Adado, Belen, Benavides, Lindemann, Schmidt, and Worthington—6.

Nays—member Blair—1.

Resolution declared adopted, this 2nd day of June, 1986.

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan, at a Regular Meeting held on the 2nd day of June, 1986, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available are required by said Act.

Rita M. Bauman
City Clerk

PREAMBLE

Whereas; the City is authorized by Section 3b of Chapter IV of Act 202 of the Public Acts of Michigan, as amended, MCL 131.1 *et seq.* ("Act 202"), to borrow money and issue its notes ("Notes") in anticipation of the collection of all or part of the property taxes to be levied on July 1, 1986 (the "Levy Date"), on property located within the corporate boundaries of the City by the City and by any or all of the other units of government for which the City is the local property tax collecting unit pursuant to Act 206 of the Public Acts of Michigan of 1893, as amended, MCL 211.1 *et seq.* ("Act 206"), including those Units set forth in Exhibit A attached hereto and made part hereof (collectively, the "Units");

Whereas, the City is further authorized by Act 202

to distribute to itself and to the Units the proceeds of such notes together with sufficient amounts of the initial tax collections, if needed, to effect up to a 100% funding of the taxes levied, thereby providing the City and the Units with an improved cash flow for local budget purposes; and

Whereas; pursuant to Act 202, the City has provided notice to each of the Units of its intent to issue such notes; and

Whereas; pursuant to such notice, the Units have each adopted or are expected to adopt a resolution to consent to and request the issuance of the notes and to authorize the execution of an agreement with the City (collectively, the "Tax Levy Agreements") to set forth the responsibilities of the City and each Unit with respect to the notes; and

Whereas; the issuance of such notes will serve a public purpose; and

Whereas; no other notes have been issued against the collection of taxes in anticipation of which the Notes herein authorized will be issued; and

Whereas; pursuant to Act 202, the City hereby determines to borrow an amount, which may be subject to a reduction in principal as may be consented to by the Mayor or City Clerk, as shown in Exhibit A attached hereto and made part hereof (the "Financed Amount") and issue its tax anticipation notes to evidence such borrowing;

Now, Therefore, It is resolved as follows:

1. In addition to the words and terms defined in the preamble, the following words and terms as used in this resolution (the "Note Authorizing Resolution") shall have the following meanings:

"Bank" refers to Bankers Trust Company.

"Indenture" refers to the Indenture of Trust dated as of June 1, 1986, by and between the City and the Trustee.

"Letter of Credit" refers to the irrevocable direct Letter of Credit issued by the Bank in favor of the Trustee for the benefit of the holders of the Notes.

"Letter of Credit Agreement" refers to the Letter of Credit Agreement dated as of June 1, 1986, by and between the Bank and the City, which provides for the issuance of the Letter of Credit by the Bank.

"Note Purchase Agreement" refers to the Note Purchase Agreement dated as of June 1, 1986, by and between the City and the Bank, which provides for the initial purchase of the Notes by the Bank.

"Notes" refers to the City's Tax Anticipation Notes, Series 1986.

"Official Statement" refers to the Official Statement dated as of the date of its issuance and pertaining to the Notes.

"Purchaser" refers to Bankers Trust Company in such capacity.

"Tax Levy" means the real and personal property taxes levied by the Units and City taxes as set forth in the Indenture on the Levy Date on property located within the corporate boundaries of the City.

"Trustee" refers to the Trustee listed on Exhibit A attached hereto and made part hereof.

2. The City shall borrow an amount of up to the Financed Amount and issue, in anticipation of the pledged portion of the Tax Levy, the Notes pursuant to Act 202.

3. The Notes shall bear interest at a rate per annum to be determined by the Mayor and the City Clerk in the Indenture, not to exceed $6\frac{1}{2}\%$ per annum, and shall be issued and payable upon the terms and conditions, including certain rights and obligations, as set forth in the Indenture. The determination of the Mayor and City Clerk referred to in this paragraph 3 shall be conclusively evidenced by their execution and delivery of the Indenture.

4. The principal of and interest on the Notes shall be payable primarily from and secured by the Trust Estate, as defined in the Indenture, including without limitation, (i) the Revenues, as defined in the Indenture, and (ii) the rights of the City under the Tax Levy Agreements, all in the manner and as set forth in the Indenture, which Trust Estate shall be assigned pursuant to the Indenture by the City to the Trustee for the benefit of the Bank, as the issuer of the Letter of Credit, and the holders of the Notes.

5. The Notes and the obligations of the City under the Indenture, Letter of Credit Agreement and Note Purchase Agreement shall be general obligations of the City, secured by its full faith and credit, which shall include the City's limited tax obligation within applicable charter, statutory and constitutional limits. Should the Trust Estate, as defined in the Indenture, prove insufficient for the payment of principal or purchase price of and interest on the Notes or the satisfaction of the City's obligations under the Indenture, Letter of Credit Agreement, or Note Purchase Agreement, the City shall pay the principal or purchase price of and interest on the Notes or satisfy such obligations as a first budget obligation from its general funds including the levy of ad valorem taxes on all taxable property in the City, subject to constitutional, statutory and charter tax limitations. The City does not have the power to levy taxes for payment of principal or purchase price of and interest on the Notes or to satisfy its obligations under the Indenture, Letter of Credit Agreement and Note Purchase Agreement in excess of its charter, statutory and constitutional limitations.

6. The Notes shall be sold at a private sale to the Purchaser pursuant to Act 202 in accordance with the Note Purchase Agreement. A notice of the sale of the Notes shall be published in a publication approved by the Michigan Department of Treasury within 45 days after delivery of the Notes to the Purchaser in conformity with Act 202.

7. All fees, charges and costs associated with the issuance of the Notes shall be paid in accordance with the terms of the Indenture.

8. The Mayor and/or the City Clerk are authorized and directed to execute, deliver the Notes, in the manner set forth in the Indenture with such necessary and appropriate immaterial variations, omissions, corrections and insertions as required, for and on behalf of the City.

9. The form and substance of the Indenture, Letter of Credit Agreement, the Notes, Note Purchase Agreement, Official Statement and Tax Levy Agreements as filed with the City Clerk be and are

hereby approved. The Mayor and/or the City Clerk are authorized and directed to execute and deliver the Indenture, Letter of Credit Agreement, Note Purchase Agreement, Tax Levy Agreements, and this Resolution in substantially the form approved with such necessary variations, omissions, corrections and insertions as they deem appropriate and are required, for and on behalf of the City.

10. The Notes shall be delivered with the unqualified legal opinion of Miller, Canfield, Paddock and Stone, bond attorneys of Detroit, Michigan, who are designated as note counsel with respect to the Notes.

11. The Mayor, City Clerk, City Assessor, City Treasurer, Finance Director and/or City Controller are authorized and directed to execute and deliver such other certificates, affidavits or other documents or instruments as may be required by the Indenture, Letter of Credit Agreement, Note Purchase Agreement, this Resolution and Tax Levy Agreements, and/or convenient to effectuate the execution and delivery of such documents or the Notes.

12. All actions taken on behalf of the City by the City officials of the City with respect to the issuance of the Notes, including negotiations with the Bank, Purchaser, Trustee and Units, are ratified.

13. All resolutions or parts of resolutions in conflict with this Note Authorizing Resolution shall be, and the same are, rescinded.

Adopted by the following vote:

Yeas—Councilmen Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—6.

Nays—Councilman Blair—1.

Exhibit A

Units

1. Holt Public Schools.
2. The Lansing School District.
3. The Ingham Intermediate School District.
4. Lansing Community College.
5. School District of the City of East Lansing.

Financed Amount

\$35,680,000

Trustee

Manufacturers National Bank of Detroit, Detroit, Michigan.

By WAYS AND MEANS COMMITTEE

RESOLUTION #0239

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$3,500.00 from LPD Uniform Salary
A/C 101-316-000-702

3,500.00 to LPD Admin. Operating Supplies

A/C 101-305-000-740

(Higher than anticipated volume of printing.)

\$ 25.00 from General Fund Estimated Revenues
A/C 101-000-000-160

25.00 to Fire Admin. Citizen Contributions
A/C 101-337-000-956

(Donation from Charles J. Main to EMS program.)

\$ 258.00 from Estimated Revenues
A/C 101-000-000-160

258.00 to Parks & Rec. Dept. Admin Div.
A/C 101-692-000-956

Citizens Contributions

(Purchase of materials for construction of floating dock at Fenner Arboretum pond. Construction to be done by Mike Bauer as an Eagle Scout requirement supervised by Park Design staff.)

\$12,000.00 from Workers' Comp. Payroll-Hourly
A/C 765-958-000-959.04

12,000.00 to Medical Services-Fire

A/C 765-958-000-823.02

(Large expenditures for medical services for Robert Wade and Martin Lemons have depleted funds for this account.)

I hereby certify that this is a properly drawn and eligible transfer.

Jan Lazar
Budget Director

Approved:

SIDNEY P. WORTHINGTON
PAT LINDEMANN

WAYS AND MEANS COMMITTEE—

Councilmember Blair returned to the meeting.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

a. Z-6-86—1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District filed by Randall J. Eberbach.

b. Z-7-86—1903 Wood/1804 David Streets to be rezoned from "A" Residential District to "DM-1" Residential District filed by David and Mary McCordel.

c. Z-8-86—2108 N. East Street to be rezoned from "B" Residential District to "F" Commercial District filed by Richard Wilkins.

d. Z-9-86—925 E. Oakland Ave. to be rezoned from "E-2" Local shop District to "F" Commercial District filed by James Patrick and Scott Taylor.

e. Z-10-86—4516 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial District filed by Ralph J. Spagnuolo.

f. Z-11-86—1121 May Street to be rezoned from

"B" Residential and "H" Light Industrial Districts to "H" Light Industrial District filed by Phillip Branster.

were introduced by Councilmember Creamer, read a first and second time by their titles and referred to the Committee on PHYSICAL DEVELOPMENT.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION#0240

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, June 23, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the following rezoning petitions:

a. Z-6-86—1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District filed by Randall J. Eberbach.

b. Z-7-86—1903 Wood/1804 David Streets to be rezoned from "A" Residential District to "DM-1" Residential District filed by David and Mary McCordel.

c. Z-8-86—2108 N. East Street to be rezoned from "B" Residential District to "F" Commercial District filed by Richard Wilkins.

d. Z-9-86—925 E. Oakland Ave. to be rezoned from "E-2" Local shop District to "F" Commercial District filed by James Patrick and Scott Taylor.

e. Z-10-86—4516 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial District filed by Ralph J. Spagnuolo.

f. Z-11-86—1121 May Street to be rezoned from "B" Residential and "H" Light Industrial Districts to "H" Light Industrial District filed by Phillip Branster.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER BELEN—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at: Z-2-86—5647 Hughes Road to be rezoned from "A" Residential District to "F" Commercial District and recommended that the ordinance be passed.

Much Discussion held regarding rezoning;

By COUNCILMEMBER LINDEMANN—

That we recess for five minutes to review resolution in regard to original sale of property.

Carried.

Council recessed at 8:35 p.m. and reconvened at 8:45 p.m.

Discussion held.

By COUNCILMEMBER BELEN—

I move that we table this for 1 week for further study.

Carried.

By COUNCILMEMBERS BLAIR, LINDEMANN and BELEN.

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried;

Letter received from members of the Communications Workers of America Local 4040 presently on strike against AT&T requesting placement of portajohn and waiver of the No Parking Requirement at night between 2 a.m. and 5 a.m. at spaces in front of 220 N. Capital Ave. (meters #1167 thru #1173)

By COUNCILMEMBER BLAIR:

That we approve placement of portajohns next to AT&T Building and one at the building on 1301 Rensen Ct.

Carried.

The request for the waiver of "No Parking Requirement at night" is Referred to the Mayor.

Letter from Eastside Neighborhood Association requesting non-profit status.

Referred to the Committee on General Services.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0241

Resolved by the City Council of the City of Lansing:

Whereas; the City of Lansing desires to encourage and support shopping and commercial activity in the downtown business area by improving and maintaining the Washington Mall and Environs area by providing landscape maintenance, planter tub maintenance, special cleanup employees, Mall and side street sidewalk snow removal, snow ridge cut throughs and mechanical sweeping; and

Whereas; the City of Lansing has determined that a special assessment district should be established for special assessment; and

Whereas; the City of Lansing has determined that a portion of the costs of providing such services should be recovered by a special assessment of them against properties especially benefited as authorized by Article II of Chapter 27A of the Lansing Code of Ordinances; and

Whereas; the City of Lansing is in the process of contracting for the maintenance of the Washington Mall and Environs area including landscape

maintenance, planter tub maintenance, special cleanup employees, Mall and side street sidewalk snow removal, snow ridge cut throughs and mechanical sweeping; and

Whereas; the Lansing Mall Advisory Board has reviewed the services to be provided under the proposed maintenance program for the properties located within the boundaries of the proposed Special Assessment District; and

Whereas; the Lansing Mall Advisory Board recommends that the estimated cost of \$91,164 for providing the services under the proposed maintenance program be assessed against the properties situated within the boundaries of the Special Assessment District and that the services be provided to those properties as set forth in the proposed maintenance program;

Now, Therefore, Be It Resolved that the City Council of the City of Lansing proposes to establish a special assessment district for the maintenance of the Washington Mall and Environs area as follows:

Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on N. Grand Avenue (both sides) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (both sides - exclude Reutter Park) to W. Allegan and on Capitol Avenue (E. side only) N. to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo; and

Be It Further Resolved that the City of Lansing proposes that 50% of the planter tub maintenance and 100% of the costs of special cleanup employees, snow removal and mechanical sweeping within the special assessment district be recovered by a special assessment of these costs against the properties especially benefitted; and

Be It Further Resolved that the estimated cost of \$91,164 associated with this maintenance project shall be assessed against the properties situated within the boundaries of the above special assessment district and specifically benefitted for the above described services; and

Be It Further Resolved that the City Assessor make out an assessment roll assessing all Washington Mall properties on the basis of each property's total front footage for those services specifically provided; and

Be It Further Resolved that the City Clerk publish notice of the hearing to indicate that the City of Lansing proposes to establish a special assessment district for the maintenance of the Washington Mall and Environs and to assess the cost of \$91,164 associated with this maintenance project against the properties situated within the boundaries of the special assessment district on the basis of each property's total front footage for those services specifically provided.

Be It Finally Resolved that a public hearing is to be held in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan, June 16, 1986, at 7:00 p.m. in regard to the setting of boundaries of the special assessment district, the estimated cost of the special assessment and the proportion of the amount to be assessed.

Adopted by the following vote:

Yeas—Councilmen Adado, Belen, Benavides, Blair, Schmidt and Worthington—6.

Nays—Lindemann—1.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Revising Chapter 4, Section 4-10, sub-section (g) to set requirements for liquor liability insurance in connection with the sale of alcoholic beverages in certain City owned or controlled areas.

Was introduced by Councilmember Lindemann read a first and second time by its title and referred to the Committee on General Services.

By COUNCILMEMBER LINDEMANN—

RESOLUTION #0242

It is hereby resolved, that the attached ordinance amending Subsection (g) of Section 4-10 of the Lansing Code of ordinances is introduced, and,

Be it further resolved, that a public hearing on the adoption of said ordinance shall be held before the Lansing City Council in its chambers on the 10th Floor of the Lansing City Hall in the City of Lansing, County of Ingham, State of Michigan, at its regular meeting at 7:00 P.M., Monday, June 9, 1986.

Be it finally resolved, that the City Clerk is instructed to post appropriate notice of the above hearing on City Bulletin Boards.

Adopted by the following vote:

Unanimously.

May 30, 1986

Council President Tony Benavides
and Councilmembers

Dear President Benavides and Councilmembers:

As I reported to you at the Committee of the Whole meeting on May 29, 1986, the roof of City Hall beneath the cooling tower has ruptured in several places creating a leak in the northwest corner of the Council chambers. This leak is new and is *not* related in any way to the leaks we have previously experienced at the rear of the south wall of the chambers. Last week's rains would indicate that those leaks have been repaired because we experienced no water damage in any of those locations.

I am advised by staff that the roof beneath the cooling tower must be replaced if the serious leak into the chambers is to be stopped. Water from the tower as well as rain water collects on this roof and if it is not replaced, the situation will worsen rapidly. Because the cooling tower must be shut down, and with it the City Hall air conditioning, before the roof can be repaired, the work will have to be done over a weekend when the building is minimally occupied. The police locker room and the 911 center would not be affected by the shutdown. Staff has secured an estimate from Bornor Restoration, Inc. for new insulation and a new Carlisle roof. The cost estimated is \$12,500. We

will solicit additional estimates and then request a transfer of funds. If the Borner estimate is indicative of real costs, there are not sufficient funds in the Building Maintenance accounts to fund the repairs. Due to the probability of serious damage occurring in the chambers if the roof is not immediately repaired, I intend to authorize an emergency purchase order to expedite completion of this work.

Sincerely,

Terry J. McKane
Mayor

Referred to the Committee of the Whole.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing:

That Councilman Creamer be excused from the session.

Carried.

REMARKS BY THE MAYOR

Local Street reconstruction.

List of streets for partial closing and full closing given.

REMARKS BY THE CITY COUNCIL

Councilmember Adado asked administration to check the dip in the street at 2600 block area of Pleasant Grove Road.

Councilmember Lindemann asked administration to check the Baker/Donors Street Lot—grass is too high, a mobile home has been set up there, and check possible fence for the property.

Also remarked on the gravel lot at corner of Cherry/Lenawee Sts not being paved but being used for a parking lot.

Budget Line item vetoed by the Mayor will be discussed in committee this week.

Councilmember Schmidt gave locations and dates of parking activities in her second Ward area to be held at no charge for participation.

Asked if Mayor would have crews spray for mosquitos at Potter Park.

Jose Molina, 8th grade student at Otta Jr. High School, spoke regarding fixing up Comstock Park and possibly adding another ball diamond.

A copy of his remarks were referred to

Ways and Means Committee, Mayor and Committee on Public Safety and Properties.

Jay Whitney, 901 Bates, spoke favorably of the dirt berm being built around Friedland Iron and Metal.

Craig C. McCauley, 2804 Wabash Road, spoke regarding the strike of Communications Workers of America Local 4040 against AT&T.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:05 p.m.

RITA M. BAUMAN,
City Clerk.

June 2, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

325

Proceedings, June 9, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

June 9, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers ADADO, BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of May 12, 1986 be approved and Carried.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

June 9, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-4-86—521 Lincoln Avenue to be rezoned from "B" Residential District to "J" parking District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Referred to the Committee on Physical Development.

June 9, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-5-86—426 S. Cedar St. to be rezoned from "DM-4" Residential District to "J" Parking District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment (s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Referred to the Committee on Physical Development.

PUBLIC HEARING

June 9, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance to amend Chapter 4 by revising Section 4-10 subsection (g) to set requirements for liquor liability insurance in connection with the sale of alcoholic beverages in certain City owned or controlled areas.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed ordinance amendment they would have the privilege of speaking at this time.

Referred to the Committee on General Services.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Shirley Reniger of North Lansing Community Association, presented Art Awards for the North Lan-

sing Art Competition held this spring for school children. Four children from Verlinden School third grade, and four from Willow Street School were introduced and showed their art work.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Suzanne B. Mills, Executive Director of Arts Council Center of Greater Lansing, Inc. spoke regarding Communication #10 of events to be held on Friday, June 13, 1986.

Councilmembers Lindemann and Blair left the meeting.

Councilmember Schmidt left the meeting.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Cararet—Colonial Bar, Inc.; Red Rail, Inc.;

Automobile Wrecker License—Mitchell's Shell Service, Thompson's Car Clinic

Health Club License—Body Action USA.

Referred to the Committee on General Services.

Suit filed by Crispin Velasquez v City of Lansing, Lansing Police Department and Officer Domingo Velasquez for injuries received in being arrested.

Referred to the City Attorney.

Claims filed by:

a. Anna Castle, 525 S. Hayford, for reimbursement of property stolen from them, recovered and sold at auction by the city.

b. Bob W. Nelson on behalf of Mrs. Marie Welch, for replacement of her husband's "lost" grave marker in Evergreen Cemetery.

Referred to the City Attorney.

Councilmember Lindemann returned to the meeting.

Petition filed for rezoning Z-15-86—3605, 3611, 3615 W. Jolly Road, described as the West 45 ft. of Lot 39, Maple Grove Farms #1, East 78 feet of Lot 39, Maple Grove Farms #1, and West 66 feet of Lot 40, Maple Grove Farms #1 to be rezoned from "A", "B" and "C" Residential District and "J" Parking Districts to "B" Residential District filed by Thomas Schroeder.

Referred to the Mayor and Planning Board.

Petition for Special Land Use SLU-4-86—3611 W.

Jolly Road filed by Thomas Schroeder. (for enlargement of church)

Referred to the Mayor and Planning Board.

Councilmember Blair returned to the meeting.

Petitions filed to construct sanitary sewer on the west side of S. Waverly Road from Phoenix Drive south approximately 400 ft. (to serve 5424 S. Waverly Rd.) S-1-86

Referred to the Mayor.

Jesse E. Thompson submits petition for installation of 3-way stop signs at the intersection of Glenbrook Dr. and Brighton, also one stop sign for west bound traffic on Wedgewood and Glenbrook for slowing down traffic and making safer intersections.

Referred to the Mayor and Traffic Board.

Petitions submitted protesting the raise in CATA bus rates for regular and senior citizen fares.

Referred to the Capital Area Transportation Authority Board.

Capital Area Transportation Authority submits notice of approval of the levy of additional millage rates.

Referred to the Mayor.

Letter from the Arts Council Center of Greater Lansing, Inc. outlining events for their festival on June 13, 1986 in Downtown Lansing.

Received and placed on file.

Department of Treasury State Tax Commission submits bulletin regarding Millage Requests and Millage Rollbacks.

Referred to the Mayor.

Councilmember Schmidt returned to the meeting.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA:

Mayor's letter 3a (Term Expiration - Income Tax Board of Review); 3h (Traffic Board Reappointment - Jesus P. (Jesse) Arambula); 3i (Fourth of July Fireworks Display); 3o ("Special Recognition" award presented to Ralph Goff, Chairman Mechanical Inspector, Building Division); Resolution No. 1 (regarding \$2,000,000 Transportation Fund Bond Issue award of Bid.) and his letter under suspensions.

REPORT OF COMMITTEES

The Committee on General Services approved the following licenses and Bonds:

Cabaret—Colonial Bar Inc.; Red Rail, Inc.;

Wrecker License—Mitchell's Shell Service; Thomp-

son's Car Clinic

Peddler—Gale Wilson

Health Club—Body Action USA

Reports as follows: That said license and bonds be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PATRICK LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

Councilmember Lindemann returned to the meeting.

THE COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

To Whom Was Referred the letter from the South Lansing Business Association opposing the narrowing of Aurelius Road North of Mt. Hope Avenue,

Reports as follows: The SLBA letter and other public comment on this proposal are hereby referred back to the Administration for further study, meetings with affected constituent groups, and a report back to the Committee on the best course of action to provide a long-term solution to problems centered on the Aurelius/Wood corridor. Such report is requested to be submitted to the Committee by October 1, 1986.

Signed:

JAMES BLAIR
TONY BENAVIDES
Committee on Public Safety and
Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

To whom was referred the letter from the Downtown Neighborhood Association requesting that improvements be made to Ferris park basketball and volleyball courts,

Reports as follows: This letter is hereby referred to the Mayor and the Park Board for investigation and recommendation. The Committee requests a report back at the Board's earliest convenience.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO

TONY BENAVIDES
Committee on Public Safety and
Properties

By COUNCILMEMBER BLAIR—

That the Report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the re-zoning petitions Z-4-86, 521 Lincoln Ave., to be rezoned from "B" Residential District to "J" Parking District.

and, Z-5-86, 423 South Cedar Street to be rezoned from "DM-4" Multiple Residential District to "J" Parking District.

reports as follows: That said rezonings be approved.

Signed:

CHARLES CREAMER
LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER:

That the report of the Committee be adopted and that we send a letter of Welcome to Wendy's and ask them for help in averting a trash problem along the Riverwalk.

Carried.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

DATE: 6/5/86

TO: President Benavides and Members, Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application - Michigan Sesquicentennial Office

Attached is an application for a parade permit from the above referenced organization, scheduled for 12:30 p.m. on Saturday, June 14, 1986, which has been approved by all the necessary departments.

This is being sent to you for final action.

BY COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Police Chief and approve this parade permit for June 14, 1986.

Carried.

June 5, 1986

Mayor Terry McKane,
Council President Antonio Benevides
And City Council Members

Re: Apothecary Medical Center EDC Project

Dear Mayor McKane and Council Members:

At its regular scheduled monthly meeting held on June 4, 1986, the Lansing Economic Development Corporation Board of Directors approved the attached Resolution of Inducement and Intent to Issue Revenue Bonds, To Proceed with a Project, To Appoint Bond Counsel, To Designate Project Area, To Recommend Project District Area and To Request Appointment of Additional Directors for the above reference project.

Sincerely yours,

EMERSON B. OHL
Executive Director
Office of Economic Development

Referred to the Committee on Economic Development.

DATE: 6/5/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Term Expiration-Income Tax Board of Review

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee of the Whole.

DATE: 6/5/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division.

RE: Allegan Street: Parking Meter Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 6/5/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division.

RE: Ottawa St: Parking Meter Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 6/5/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Daleford Ave. at Sycamore St: Stop Sign
Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 6/5/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Kelsey Ave: No Parking Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 6/5/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Transportation Division

RE: Porter Street: No Parking Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties

DATE: 6/5/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Transportation Division

RE: Pleasant Grove Rd: 30 MPH Speed Limit

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties

June 4, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Jesus P. (Jesse) Arambula to the Traffic Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Jesus Arambula to this important Board.

Best personal regards.

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and confirm the reappointment of Jesus P. (Jesse) Arambula to the Traffic Board for a term to expire in June, 1990.

Carried.

June 4, 1986

Council President Tony Benavides and City Councilmembers

RE: July 4th Fireworks

Dear President Benavides and Councilmembers:

As you know, there has been much recent discussion regarding this year's Fourth of July fireworks display. We all have concerns regarding safety and liability. At the same time, we all want to continue this very popular tradition for viewers in Riverfront Park, if possible.

Recently, the City Attorney informed me that Council should approve a permit for the fireworks display. After reviewing safety plans with appropriate staff, I recommend that you approve such a permit at your Monday, June 9th meeting.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties

DATE: 5/29/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Administrative Services.

RE: Funding for Proposed Telephone System

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Ways and Means

DATE: 6/4/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Director

RE: Municipal Parking System
Financial Statement - March 31, 1986

The attached correspondence is submitted for your information.

TERRY J. MCKANE
Mayor

Received and placed on file.

DATE: 6/4/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Parks and Recreation

RE: Second Annual Family Reunion Celebration

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 6/4/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Building Safety Division

RE: Trash Assessment for Dec. 1986 Tax Roll (\$10,233.87)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and this trash assessment in the amount of \$10,233.87 be placed on the Dec. 1986 Tax Roll (U-31).

Carried.

DATE: 6/3/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Police Chief Gleason

RE: Crossing Guard Study - Brighton/Stillwell

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 5/30/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Building Division

RE: "Special Recognition" award presented to Ralph Goff, Chief Mechanical Inspector, Building Division

Attached correspondence is submitted for your information.

TERRY J. MCKANE
Mayor

Received and placed on file.

DATE: 6/5/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Director

RE: Year End Carry Forwards and Transfers

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Ways and Means.

By COUNCILMEMBER BLAIR—

That we suspend the rules for the following resolution since it was received late.

Carried.

RESOLUTIONS

By the COMMITTEE OF THE WHOLE—

AWARDING RESOLUTION

RESOLUTION #0243

City of Lansing
Counties of Ingham and Eaton, Michigan

Minutes of a Regular meeting of the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, held in the City Council Chambers, City Hall in said City on the 9th day of June, 1986, at 7:00 o'clock p.m., Eastern Daylight Time.

Present—COUNCILMEMBERS ADADO, BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON.

Absent—None.

The following preamble and resolution were offered by Member Schmidt and supported by Member Belen:

Whereas, June 9, 1986, at 3:00 o'clock p.m., Eastern Daylight Time, has been set as the date and time for opening bids for the purchase of \$2,000,000 1986 Michigan Transportation Fund Bonds of the City

of Lansing, Counties of Ingham and Eaton, Michigan;

And Whereas, said bids have been publicly opened and read;

And Whereas, the bids attached on Exhibit A hereto have been received;

And Whereas, the bid of Merrill Lynch Capital Markets has been determined to produce the lowest interest cost to the City.

Now Therefore, Be It Resolved that:

1. The bid of Merrill Lynch Capital Markets as above stated, be and the same is hereby accepted.

2. Checks of the unsuccessful bidders be returned to each bidder's representative or by registered mail.

3. The Issuer will not invest, reinvest, or accumulate any moneys deemed to be proceeds of the Bonds pursuant to § 103(c) of the Internal Revenue Code of 1954, as amended, and the applicable regulations thereunder, in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of said § 103(c) and the applicable regulations thereunder.

4. The City hereby designates the Bonds as "Qualified Project Bonds" within the meaning of H.R. 3838, the Tax Reform Act of 1985.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES—COUNCILMEMBERS BELEN, BENAVIDES, CREAMER, LINDEMANN, SCHMIDT, and WORTHINGTON—6.

NAYS—COUNCILMEMBERS ADADO and BLAIR—2.

Resolution declared Adopted.

RITA M. BAUMAN
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan, at a Regular meeting held on June 9, 1986, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting are kept and will be or have been made available as required by said Act.

RITA M. BAUMAN
City Clerk

By COUNCILMEMBER BLAIR:

That we suspend the rules for the following resolution since it was received late.

Carried.

By the COMMITTEE ON GENERAL SERVICES

RESOLUTION #0244

Resolved by the City Council of the City of Lansing:

Whereas, David Hector applied for a new license as

a public driver; and

Whereas, the Police Department had recommended disapproval of Mr. Hector's application in accordance with section 30-5 (1) (h) of the City Code, due to a felony conviction on Mr. Hector's record within five years of his application for licensing; and

Whereas, the City Council concurred with the Police Department recommendation by resolution dated April 14, 1986, and disapproved Mr. Hector's application; and

Whereas, Mr. Hector requested and was granted a hearing before the Committee on General Services to appeal the Council's action of April 14; and

Whereas, Mr. Hector presented testimony at his June 3, 1986, hearing to support his contention that he would not represent a threat to the safety of the public as a licensed taxicab driver; and

Whereas, the Committee reviewed the testimony and supported the granting of a license to Mr. Hector;

Now, Therefore, Be It Resolved the City Council hereby rescinds its resolution of April 14, 1986, regarding the application of David Hector for a public driver license; and

Be It Further Resolved said application is hereby approved.

Adopted by the following vote:

Unanimously.

RESOLUTION #0245

Resolved by the City Council of the City of Lansing:

That the Eastside Neighborhood Association is hereby recognized as a non-profit organization in the City of Lansing, Michigan.

Adopted by the following vote:

Unanimously.

RESOLUTION #0246

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, June 23, 1986 at 7:00 PM for the purpose of receiving public comment on the proposed order to demolish or otherwise make safe a dangerous and unsafe structure located at 323 W. Grand River.

Adopted by the following vote:

Unanimously.

RESOLUTION #0247

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division determined that the building located at 924 Center St. legally described as 924 Center Street, N. 50 ft of W 8 R Lot 9, Block 21, original plat was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan, and

Whereas, a hearing was held by the Hearing Board on February 27, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on April 28, 1986 to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; now,

Therefore, Be It Resolved, that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and be it further

Resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and be it further

Resolved, that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and be it further

Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located, and be it further

Resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

RESOLUTION #0248

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division determined that the building located at 130 S. Eighth legally described as 130 South Eighth, S 44 ft of the E 88 ft of Lot 11, Block 5, Green Oak Add. was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan, and

Whereas, a hearing was held by the Hearing Board on January 23, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on May 19, 1986 to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; now,

Therefore, Be It Resolved, that the City Council of the City of Lansing hereby approves the order of the Hearing Officers requiring the demolition or making safe of said building; and be it further

Resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty-five (25) days from the date of this resolution; and be it further

Resolved, that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and be it further

Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located, and be it further

Resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By the COMMITTEE ON WAYS AND MEANS

RESOLUTION #0249

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor's office was advised of funding available from the Waterways Division of the Department of Natural Resources for waterways project; and

Whereas, a project was developed including three canoe launch access points to the river, which are Burchar Park, East Bank of Riverfront Park, and Moores Park; and

Whereas, an application was submitted to the Waterways Division requesting \$24,000 state share with City share being \$20,000; and

Whereas, the City has been advised the \$24,000 request has been approved;

Now, Therefore, Be It Resolved, the City Council does accept these funds.

Adopted by the following vote:

Unanimously.

Resolution 4a (Denying request for Duckathon was pulled for 1 week.)

Resolution 4c (ACT-39-83, Harton Street vacation was tabled for 1 week.)

Resolution 4d (ACT-4-86, 806 Armstrong Road was sent back to Committee on Public Safety and Properties.)

By the COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0250

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing School District has requested placement of an adult school crossing guard at the intersection of Beaujardin and Duvernay; and

Whereas, this intersection has been studied and the Administration has recommended approval of the request; and

Whereas, the Committee on Public Safety and Properties concurs in the recommendation;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves placement of an adult school crossing guard at the intersection of Beaujardin and Duvernay beginning in August 1986 for the 1986-87 school year.

Adopted by the following vote:

Unanimously.

RESOLUTION #0251

Resolved by the City Council of the City of Lansing:

May 22, 1986

Act-17-86

Alley Vacation just north of 423 South Cedar Street

Whereas, Milton Baron, on behalf of David J. Stanton and Associates, requested that the City of Lansing vacate the alley that lies between 417 and 423 South Cedar Street; and

Whereas, the Planning Board has reviewed and unanimously recommended that this alley be vacated in conjunction with the rezoning of 423 South Cedar Street while maintaining an easement for the existing utilities if deemed necessary by the utility. The alley property is described as:

Beginning at the NW corner of Lot 10, Block 3, Oakhill Sub. on Blocks 236 and 237, City of Lansing, Ingham County, Michigan as recorded in Liber 3 of Plats on page 8 of the Ingham County records; thence N 08° 58' 32" W, 9.25 feet along the easterly line of South Cedar Street to the north line of said subdivision; thence S 88° 57' 32" E, 155.00 feet along said north plat line to the west line of US-27 and M-78 relocated (Larch Street); thence S 00° 11' 51" E, 9.11 feet along said west line of Larch Street; thence N 88°

57' 32" W, 153.59 feet along the north line of said Lot 10 to the point of beginning. Contains 1,405 square feet (0.032 acres)

will serve no public use when incorporated into the proposed Wendy's Restaurant site; and

Whereas, the Lansing City Council Committee on Public Safety and Properties has reviewed the recommendations of the Planning Board and concurred with those recommendations;

Now, Therefore, Be It Resolved that the Council of the City of Lansing hereby approves the vacation of the above described alley, while reserving an easement right for the existing utilities if deemed necessary by the utility and directs the City Clerk to execute and record this action with the Ingham County Register of Deeds in accordance with State and local requirements.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #0252

Resolved by the City Council of the City of Lansing:

FCF-4-86

3546 Seaway Lane

Whereas, pursuant to Act 28, Public Act of 1977 of the State of Michigan, the Michigan Department of Social Services has notified the City of Lansing of its intent to license and adult foster care family home to provide shelter and care for a maximum of three (3) foster adults upon the premises commonly known as 3546 Seaway Lane more particularly described as:

Lot 176, River's Edge No. 1 Subdivision, City of Lansing, Eaton County, Michigan; and

Whereas, upon review of the application notice, the Department of Planning and Municipal Development found that;

1. There are no other similar licensed facilities, existing or proposed, within 1500 feet of this proposed facility,

2. Alterations and repairs are necessary to bring the home up to minimum building and fire codes; and

Whereas, the Physical Development Committee of the Lansing City Council, to whom the report of the Department of Planning and Municipal Development was referred, has reviewed the report and recommends the issuance of a license subject to the following:

A. Certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed;

Now, Therefore, Be It Resolved, that the Council of the City of Lansing hereby recommends the issuance of an adult foster care family home license for the above described premises subject to certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed;

and

Be It Further Resolved that the City of Lansing return the application notice to the Michigan Department of Social Services indicating that this proposed facility is located more than 1500 feet from another similar facility, existing or proposed; and

Be It Finally Resolved that a copy of this Resolution and copies of the Safety Inspection Report of the Department of Planning and Municipal Development be attached to the notice and returned therewith.

Adopted by the following vote:

Unanimously.

By the COMMITTEE OF THE WHOLE

RESOLUTION #0253

Resolved by the City Council of the City of Lansing:

Whereas, Reverend Francis T. Martin is retiring as Pastor of the Church of the Resurrection; and

Whereas, Father Martin was born in Howell on October 5, 1915; ordained on April 17, 1943 at St. Mary's Cathedral in Lansing; and served first as an assistant and later as pastor in several churches across Michigan for the next 17 years; and

Whereas, Father Martin was appointed Pastor of the Church of the Resurrection in March 1960, and his good works for the past 26 years on behalf of the people of his parish have endeared him to three generations of Resurrection families; and

Whereas, Father Martin's quiet manner, listening skills, and common sense advice have enabled him to help hundreds of people through personal crises toward better feelings about themselves and their world;

Now, Therefore, Be It Resolved, members of the Lansing City Council, on behalf of the Citizens of Lansing, do hereby express heartfelt gratitude to the Reverend Francis T. Martin for his years of service as Pastor of the Church of the Resurrection, and wish him a long, happy and healthy retirement with many sunny days on the golf course.

Adopted by the following vote:

Unanimously.

CONFIRMING RESOLUTION

RESOLUTION #0254

For the City of Lansing
Consolidated Tax Anticipation Notes

At a regular meeting of the City Council of the City of Lansing, Michigan (the "City"), held on the 9th day of June, 1986.

Present—COUNCILMEN ADADO, BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON—8.

Absent—None.

The following preamble and resolution were offered by Councilman Adado and seconded by Councilman Lindemann.

Whereas, the City Council of the City of Lansing, by resolution adopted June 2, 1986, did authorize issuance, sale and delivery of its Consolidated Tax Anticipation Notes in the principal amount of \$35,500,000 dollars becoming due June 11, 1987 (the "Notes"); and

Whereas, it is necessary for the Notes to become due on June 11, 1987 that Senate Bill 752, which permits the Notes to become due on such date, be properly enacted into law by the Michigan Legislature and signed by the Governor; and

Whereas, Senate Bill 752 has now been adopted by the legislature, signed by the Governor and filed with the Secretary of State on June 5, 1986 and thus became law on June 5, 1986; and

Whereas, it is necessary to ratify, confirm and readopt the resolution heretofore adopted on June 2, 1986 and to ratify and confirm action taken by officials of the City under said resolution and in connection with said Note.

Now, Therefore, Be It Resolved That:

1. The resolution of the City Council adopted June 2, 1986 authorizing issuance, sale and delivery of the Notes is hereby ratified, confirmed and readopted and all actions of the officials of the City heretofore taken under said resolution and with respect to the Notes are hereby ratified and confirmed in all respects.

2. All resolutions or parts of resolutions in conflict with this Resolution shall be, and the same hereby are, rescinded.

Yeas—COUNCILMEN ADADO, BELEN, BENAVIDES, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON—7.

Nays—COUNCILMAN BLAIR—1.

Resolution declared adopted, this 9th day of June, 1986.

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, County of Eaton and Ingham, State of Michigan, at a regular meeting held on the 9th day of June, 1986, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that minutes of the meeting were kept and will be or have been made available as required by said Act.

RITA M. BAUMAN
City Clerk

Adopted by the following vote:

Yeas—COUNCILMEMBERS ADADO, BELEN, BENAVIDES, CREAMER, LINDEMANN, SCHMIDT, and WORTHINGTON—7.

Nays—COUNCILMEMBER BLAIR—1.

Councilmember Blair left the meeting.

By COUNCILMEMBER ADADO—

That we pull Resolution 6e (Mayor's Veto of Zero Base Budgeting and Personnel Moratorium) and vote on Resolutions 6c (Zero Base Budgeting) and 6d (Moratorium/Hiring Freeze).

By COUNCILMEMBER CREAMER—

I will support this resolution on Zero Base Budgeting part on fact that within the resolution the Committee on Ways and Means shall prepare recommendations for Council consideration and amplification of this policy.

By COUNCILMEMBER BELEN—

I will not support this resolution.

By COUNCILMEMBER SCHMIDT—

I will support this resolution since it will allow the council members to know what it takes to run a department.

By COUNCILMEMBER WORTHINGTON—

I move to amend this resolution by adding to subsection 1—"The Mayor is requested to make a recommendation in two weeks to Council on Zero Base Budgeting."

Lost by the following vote:

Yeas—COUNCILMEN BELEN, CREAMER, LINDEMANN AND WORTHINGTON—4.

Nays—COUNCILMEN ADADO, BENAVIDES and SCHMIDT—3.

DATE: 6/9/86

TO: Councilmember Lou Adado

FROM: Stephen R. Sawyer, City Attorney

SUBJECT: Mayor's Veto of Items in FY 1986-87 Budget

You have asked that I set forth my recent advice to you regarding the Mayor's veto of two items in the FY 1986-87 Budget in writing. My response follows:

FACTS

On Monday, May 19, 1986 at its regular meeting, the Lansing City Council adopted the City's F.Y. 1986-87 budget. Included in that budget, as adopted, was a hiring moratorium policy and a requirement that the City utilize a "zero base" budgeting procedure for the FY 1987-88 budget process. Mayor McKane filed a written notice of veto in the Clerk's office on Thursday, May 22, 1986. The notice complied with the requirements of the City Charter (sec. 3-305.2, Lansing City Code) and vetoed both the hiring moratorium and the zero base budget policies. The City Clerk placed the notice with veto on City Council's agenda for their regular meeting of May 26, 1986.

DISCUSSION

Section 7-106 permits the Mayor to exercise line item veto power over items having the effect of appropriating money. The budget has such an effect. The Mayor can exercise such power pursuant to Section 3-305 of the City Charter. Section 3-305 of the City Charter provides that if the Mayor proposes in writing, signs and files with the City Clerk a notice of

veto no later than 5:00 p.m. on the third working day after the adoption of a resolution (or ordinance), the resolution (or ordinance) shall not be effective. See Subsection 3-305.2, Lansing City Charter. Subsection 3-305.3 of the City Charter provides:

If a notice of veto is filed, the ordinance or resolution shall not become law without further affirmative vote of two-thirds of the Council members serving at a meeting held within two weeks of the notice of veto.

In analyzing the meaning of the above subsection it is important to note that the time period for overriding the veto is defined as "within two weeks of the notice of veto." It does not say within two weeks of placement of the notice of veto on agenda. To have said that would allow potential uncertainty to be caused by leaving the item off the agenda or changes of meeting dates that the words "notice of veto" refers to the document filed by the Mayor is also clear from the text of Subsection 3-305.2 which states:

"No ordinance or resolution of the City subject to review by the Mayor shall have any force or effect if the Mayor prepares and signs a notice in writing suspending the operation of such ordinance or resolution which sets forth the reasons for the veto, and the notice is filed with the City Clerk before five o'clock on the afternoon of the third working day following the adoption of the ordinance or resolution."

Clearly "the notice" referred to Subsection 3-305.3 is that notice of veto filed by the Mayor. Any other interpretation contradicts the plain language of the Charter. To interpret "notice" as meaning placement of the items on council's meeting agenda ignores that there is no Charter requirement that Council's agenda contains such a matter, even if notice of veto is filed with the Clerk. To interpret the required notice as anything but that filed by the Mayor would introduce uncertainty and allow manipulation as to the running of the two week veto period.

CONCLUSION

City Council had two weeks to vote, by six votes, to override the Mayor's veto. That period began to run when the Mayor filed his veto on Thursday, May 22, 1986 and expired on Thursday, June 5, 1986.

I trust this memorandum has satisfactorily responded to your question.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By the COMMITTEE OF THE WHOLE
RESOLUTION #0255

Resolved by the City Council of the City of Lansing:

Whereas, the City Charter specifies that the City Council will determine City policy by passage of resolutions and ordinances and adoption of the City budget; and

Whereas, the City Council desires to change the existing budget development process to a form of Zero-Base Budgeting, so that recommended City work programs, levels of service to the public, and amounts of

appropriations may be individually justified to Councilmembers annually; and

Whereas, the City Charter also specifies that the Mayor is responsible for development and preparation of the budget; and

Whereas, the Mayor has requested that the Council's budget policies be adopted by August 1, rather than the Charter deadline of October 1, to provide him with a better opportunity to respond within his budget development process;

Now, Therefore, Be It Resolved, the Lansing City Council hereby adopts the following Budget Policies for fiscal year 1987-88:

1. The City of Lansing shall use a form of Zero Base Budgeting to review and justify work programs, levels of service to the public, and amounts of appropriations. The Committee on Ways and Means shall prepare recommendations for Council consideration by July 21, 1986, regarding specifics of Zero-Base Budgeting and amplification of this policy.

2. In accordance with Section 7-104.1 of the City Charter, the Mayor's recommended budget shall be reviewed by the Council as a Committee of the Whole, and the committee may modify and tentatively approve components of the budget on a hearing-by-hearing basis.

Councilmember Blair returned to the meeting.

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BENAVIDES, BLAIR, CREAMER, LINDEMANN and SCHMIDT—6.

Nays—COUNCILMEN BELEN and WORTHINGTON—2.

RESOLUTION #0256

Resolved by the City Council of the City of Lansing:

Whereas, the City Council believes that significant savings may be realized during fiscal year 1986-87 through adoption and implementation of a formal personnel moratorium policy;

Now, Therefore, Be It Resolved, The Lansing City Council hereby establishes the following Personnel Moratorium policies for all City of Lansing department and agencies, to be effective July 1, 1986.

1. Vacancies in authorized and funded positions within the Police Department, Fire Department, elected official departments, and positions within bargaining units required to be filled by union contracts, shall be held open for a minimum of 30 days following payroll clearance of the previous incumbent.

2. Vacancies in authorized and funded positions within the Public Service Department, Building Safety Division, and Parks and Recreation Department shall be held open for a minimum of 90 days following payroll clearance of the previous incumbent.

3. Vacancies in authorized and funded positions within all other City departments and agencies not named above, excluding the Board of Water and Light and District Court, shall be held open for a minimum of 120 days following payroll clearance of the previous

incumbent.

4. Critically-needed positions within the Administration as determined by the Mayor shall be excluded from the Personnel Moratorium, provided the Mayor reports to the City Council within seven working days the filling of any positions deemed critical.

5. Operational details of the Personnel Moratorium may be decided by the Mayor to remain within bargaining unit contractual restrictions and to provide the seasonal and contract employee work force used by the City for its seasonal activities.

By COUNCILMEMBER BLAIR—

That we amend this resolution in Section #3, line three after the words Board of Water and Light—insert “,” and add the words, “Lansing Housing Commission”.

Carried.

The resolution as amended was—

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN and SCHMIDT—7.

Nays—COUNCILMAN WORTHINGTON—1.

By WAYS AND MEANS COMMITTEE

RESOLUTION #0257

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$9,631.00 from Forestry Div.-Wages Hourly Parks & Rec.

A/C 101-781-000-782

9,631.00 to Red Cedar Bike Link C.I.P

(To provide match for extension of the urban (recreation trail.)

A/C 101-936-761-974

\$19,800.00 from Pub. Service Act 51-Major Snow Removal-Materials

A/C 202-478-000-782

49,500.00 from Pub. Serv. Act 51-Major Snow Removal Equipment Rental

A/C 202-478-000-943

69,300.00 to Pub. Serv. Act 51-Major Major Streets Improvements (To provide additional funding for major street improvement projects for the 1986 construction season.)

A/C 202-452-202-974

\$ 22,600.00 from Pub. Serv. Act 51-Local Snow Removal Wages

A/C 203-478-000-706

15,700.00 from Public Serv. Act 51-Local Snow Removal Fringe Benefits

A/C 203-478-000-715

69,600.00 from Public Serv. Act 51-Local Snow Removal Equipment Rental

A/C 203-478-000-943

107,900.00 to Public Serv. Act 51 Local Local Street Improvements

(To provide additional funding for local street improvement projects for the 1986 construction

season.)

A/C 203-452-617-974

Recommended by:

JAN LAZAR, Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT

Finance Director

SIGNED:

PAT LINDEMANN

SIDNEY P. WORTHINGTON

JAMES D. BLAIR

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Amending the Zoning Ordinance—Chapter 36, Sections 36-3; 36-9.1; 36-9.5; 36-9.7; 36-10.1; 36-15.1; 36-16.4; 36-21.2; 36-21.3; 36-22.2; 36-22.3; 36-22.5; 36-23.2; 36-23.3; 36-24.2; 36-24.3; 36-25.2; 36-26.2; 36-27.2; 36-27.3; 36-28.2; 36-29.3; 36-30.1; 36-30.2; 36-30.3; 36-30.5; 36-30.6; 36-31.1; 36-31.2; 36-31.3; 36-32.1; 36-32.3; 36-33.1; 36-33.3; 36-34.1; 36-34.3; and 36-43 for the purpose of updating and revising the Zoning Ordinance were introduced by Councilmember Creamer read a first and second time by their title and referred to the Committee on Physical Development.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0258

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, July 7, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving Amendments to the Zoning Ordinance—Chapter 36, Sections 36-3; 36-9.1; 36-9.5; 36-9.7; 36-10.1; 36-15.1; 36-16.4; 36-21.2; 36-21.3; 36-22.2; 36-22.3; 36-22.5; 36-23.2; 36-23.3; 36-24.2; 36-24.3; 36-25.2; 36-26.2; 36-27.2; 36-27.3; 36-28.2; 36-29.3; 36-30.1; 36-30.2; 36-30.3; 36-30.5; 36-30.6; 36-31.1; 36-31.2; 36-31.3; 36-32.1; 36-32.3; 36-33.1; 36-33.3; 36-34.1; 36-34.3 and 36-43, for the purpose of updating and revising the Zoning Ordinance.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for

the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-4-86, 521 Lincoln Avenue, to be rezoned from "B" Residential District to "J" Parking District.

Z-5-86, 423 South Cedar Street to be rezoned from "DM-4" Multiple Residential District to "J" Parking District.

and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-4-86, 521 Lincoln Avenue, to be rezoned from "B" Residential District to "J" Parking District.

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City and Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-4-86, 521 Lincoln Avenue, to be rezoned from "B" Residential District to "J" Parking District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2183

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the city of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number—Z-4-86, 521 Lincoln Avenue

Parcel Number—3301-28-284-051

Legal Description—The west 34 feet of Lot 106, Addmore Park Sub., City of Lansing, Ingham County, Michigan.

From "B" Residential District to "J" Parking District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-5-86, 423 South Cedar Street to be rezoned from "DM-4" Multiple Residential District to "J" Parking District.

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City and Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-5-86, 423 South Cedar Street to be rezoned from "DM-4" Multiple Residential District to "J" Parking District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2184

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the city of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number—Z-5-86, 423 South Cedar Street
Parcel Number—3301-16-477-051

Legal Description—Lot 10, except that part lying east of a line 50 feet west of and parallel to the centerline of US-27 and M-78 relocated, described as commencing at the southeast corner of Lot 10; thence west 13 feet, north 11' 51" west 45 feet to northerly line of Lot 10;

thence southerly along the easterly line of Lot 10 to beginning, Block 3, Oakhill Sub. on Blocks 236 and 237, City of Lansing, Ingham County, Michigan.

From "DM-4" Multiple Residential District to "J" Parking District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER SCHMIDT, CREAMER, WORTHINGTON AND BLAIR

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Iris Beach, 119 Vickie Court, regarding uncomfortable benches in Durant Park.

Referred to the Mayor.

June 9, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

There has been much discussion and some controversy regarding the proposals that you passed as part of the City's 1987 Budget. For convenience, I will term these "ZBB" (for zero based budgeting) and "hiring freeze."

I believe these issues should be considered separately. I offer the following regarding each:

ZBB—I believe it important that I recommend an annual budget to you in a format that works for you. Thus, if you determine that some form of ZBB would better accommodate your decision-making process, then staff and I are prepared to work with you to devise it.

The concern that I expressed in my recent veto message remains. That is, how does Council define ZBB? Would you define it as a "textbook" does, as Ingham County does, or as some other person or government does? If we can agree on a ZBB definition and process that both works for you and is "do-able", I will enthusiastically support it. I suggest that you ask me for a written recommendation regarding ZBB. I will provide it for your consideration within two weeks.

Note: I do not support that part of your draft resolution that would allow the Committee of the Whole to modify my proposed budget on a "hearing-by-hearing basis." This is because members of the Committee often must be absent at specific hearings. It is more appropriate to make modifications at one meeting when all Councilmembers can be present.

Hiring Freeze: Obviously it is within your power to establish a City hiring freeze. However, the freeze you

have drafted is not appropriate because it prioritizes departments rather than individual positions (which is opposed to some assumptions of a ZBB).

My administrative moratorium has saved the City more than \$400,000 in recent months. In addition, it has provided flexibility to fill critical positions.

As always, I appreciate your consideration. I look forward to working with you to further improve both our budgeting and hiring practices.

TERRY J. MCKANE
Mayor

Received and placed on file.

COMMITTEE REPORT

The Committee on Public Safety and Properties
and
The Committee on Ways and Means

To whom was referred the remarks of Jose Molina, student at Otto Middle School, requesting improvements to Comstock Park including opening of rest rooms and addition of a new ball diamond;

Reports As Follows, Mr. Molina's requests are hereby referred to the Mayor and Park Board for investigation and recommendations. A report back to the Council is requested at the Board's earliest convenience.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

That we remove the rezoning Z-2-86, 5647 Hughes Road from the table for consideration at this time.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at: Z-2-86—5647 Hughes Road to be rezoned from "A" Residential District to "F" Commercial District and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-2-86—5647 Hughes

Road to be rezoned from "A" Residential District to "F" Commercial District.

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City and Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-2-86—5647 Hughes Road to be rezoned from "A" Residential District to "F" Commercial District.

be now passed.

Adopted by the following vote:

Yeas—COUNCILMEN BELEN, BENAVIDES, CREAMER, SCHMIDT and WORTHINGTON—5.

Nays—COUNCILMEN ADADO, BLAIR and LINDEMANN—3.

ORDINANCE NO. 2182

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the city of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number—Z-2-86, 5647 Hughes Road

Parcel Number—3305-05-326-031

Legal Description—Southeasterly 150 feet of Lot 2, Supervisor's Plat of Valleau's Subdivision, City of Lansing, Ingham County, Michigan.

From "A" Residential District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

REMARKS BY THE MAYOR

Willard St. has been graveled and the base coat laid on Clemens Street.

Gave timetable for the kick-off of the State Sesquicentennial to start with parade on Saturday, June 14th.

Announced that John Albright of the State Journal needed events of the Centennial Celebration of 50 years ago.

Announced that the So. Washington Railroad track area would be closed for three days for repairs.

Street closing announced for the week due to construction.

REMARKS BY CITY COUNCIL

Councilmember Blair questioned the participation of Councilmembers in the parade.

Councilmember Belen remarked of weeds to be cut and bulk pick-up needed on Logan Street where people would be traveling to come to the parade.

Councilmember Creamer remarked of the Student Intern Program and commended the ones working in the Council Chambers helping with the meeting. Also about a call received last week by Police Dept. regarding person locked-out of their house and asking for help.

Beverly Miller, North Lansing, asked help in getting the grass mowed at Beaver and Turner Streets.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:35 P.M.

RITA M. BAUMAN,
City Clerk.

June 9, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

341

Proceedings, June 12, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

June 12, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present—COUNCILMEMBERS ADADO, BELEN, BENAVIDES, CREAMER, SCHMIDT and WORTHINGTON—6.

Absent—COUNCILMEMBERS BLAIR and LINDEMANN—2.

The Clerk announced that a quorum of the Council was present.

Much discussion was held and questions asked in regard to the parade route and the closing of certain streets.

By COUNCILMAN SCHMIDT—

Resolved by the City Council of the City of Lansing:

That we reconsider the action taken by the Lansing City Council at a meeting held on Monday, June 9, 1986 in regard to the parade route for the Michigan Sesquicentennial Parade.

Adopted by the following vote:

Unanimously.

By COUNCILMAN SCHMIDT—

Resolved by the City Council of the City of Lansing:

That the Parade Route as presented to the Lansing City Council on Monday, June 9, 1986 is hereby approved.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried:

Council adjourned at 4:10 P.M.

RITA M. BAUMAN
City Clerk

June 12, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

345

Proceedings, June 16, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

June 16, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt

Pledge of Allegiance.

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and Councilmembers:

During the regular Council meeting of Monday, June 9, 1986, I explained my concerns about Resolution #6d pertaining to a personnel moratorium. Despite that, you passed the resolution.

Pursuant to Section 3-305 of the City Charter, I herewith veto Resolution #6d pertaining to a personnel moratorium for the following reasons.

The type of personnel moratorium which you passed is not appropriate because it prioritizes departments and divisions rather than types of services, legal mandates, and individual positions. It is not based on your own adopted budget priorities and is not consistent with them.

For the sake of consistency and conformance to your own budget priorities, I recommend that any moratorium established be based on the mandated/essential/discretionary priority system that you have set for the City. Not each position in a department is within the same category of need and this should be examined on its own merits. I would recommend instead a position moratorium such as outlined below:

1) Mandated (legally required and requisite essential operational support)—30 days

2) Discretionary—90 days. Exemption for critical needs to be determined by the Mayor and reported to Council within seven working days. I would be happy to support such a moratorium.

I commend Councilmember Worthington for opposing Resolution #6d. I urge all councilmembers to sustain my veto and instead work cooperatively with me to establish a viable and consistent moratorium that we can all support.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee of the Whole.

PUBLIC HEARING

June 16, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Mall Maintenance Contract in regard to setting of boundaries of special assessment district, estimated cost of the special assessment and the proportion of the amount to be assessed.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Mall maintenance they would have the privilege of speaking at this time.

No person spoke.

Referred to the Committee on Public Safety and Properties.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No person spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Driver—Harold L. DeWater, Avad Espinosa

Cabaret—Clarion Hotel and Conference Center, McCleer's Saloon

Automobile Wrecker—Thompson's Car Clinic

Second Hand Dealer—Phil's Furniture Barn

Mechanical Amusement Device—Pinball Pete's

Beer and Wine Carry-Out—Muir Co. (Rite Aid Corp.)

Referred to the Committee on General Services.

Claims filed by:

a. Ronald C. Thompson, 1928 N. East St., for reimbursement of damages to automobile from hitting a raised manhole cover.

b. Lucius Bell, 2601 Deerfield, for damages to house from sewer backup flooding basement.

c. Glenn M. Cummings, 2905 Mildred, for damages to basement due to sewer backup in November, 1985.

d. Lafayette Beers, 1014 Lake Lansing Road, for automobile damaged from golf ball while parking at Groesbeck Golf Course.

e. Richard A. Weilbaecher, owner of property at 537 Christianity, for reimbursement of plumbing bill due to city construction cutting off city sewer to house.

Referred to the City Attorney.

Petitions filed for rezoning:

a. Z-16-86—3016, 3020 and 3022 S. Cedar Street, described as Lots 1, 2, 3 and the North 4 foot of Lot 4, Plat of Reo Gardens Subdivision, of a part of the West ½ of the S.E. ¼ of Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District filed by Patrick Karslake.

b. Z-17-86—4510 S. Pennsylvania Ave. That part of the West ½ of the Southwest ¼ of Section 34, T4N, R2W, beginning on the West right of way line of Pennsylvania Ave., 57.75 feet from said Section 34, running thence South 256.6 feet on the West line of Pennsylvania Ave., thence Westerly 296.6 Ft. parallel with the East-West ¼ line, thence North 256.6 ft. parallel with Pennsylvania Ave, thence Easterly 296.6 feet to the point of beginning, to be rezoned from "J" Parking District to "D-1" Professional Office District filed by Lansing Community Credit Union.

Referred to the Mayor and Planning Board.

Application for Industrial Facilities Exemption Certificate filed by Planet Corporation, 2150 Apollo Drive.

Referred to the Committee on Economic Development and Mayor.

Letters of complaints from:

a. Caroline Dooley, 1805 Boynton Drive, regarding Summit Steel Corp., 1900 W. Willow St.

Referred to the Mayor.

b. James I. Davis, 707 W. Kalamazoo St., for recently announced increase in cablevision fees.

Received and placed on file.

Letter from M. Elizabeth Jabin, Exercise Physiologist for Lansing Community College concerning support of fitness clubs for downtown Lansing.

Received and placed on file.

Thomas R. Finley, Executive Director of Boys and Girls Club of Lansing, submits letter seeking action on request for new club building.

Referred to the Committee on Ways and Means.

Councilmember Lindemann entered the meeting.

Comments by the Mayor on Agenda Items—

Mayor McKane spoke in regard to the Mayor's Veto in regard to the Moratorium/Hiring Freeze, the Mayor's letter 4a (Zero Base Budget and Resolution #4—concerning notice to City Council of Mayoral Vetos.

REPORT OF COMMITTEE

The Committee on General Services approved the following Licenses and Bonds:

Public Driver—Harold L. DeWater, Avad Espinosa, John M. Wagner

Cabaret—Clarion Hotel and Conference Center, McCleer's Saloon

Automobile Wrecker—Thompson's Car Clinic

Second Hand Dealer—Phil's Furniture Barn

Mechanical Amusement Device—Pinball Pete's

Beer and Wine Carry-Out—Muir Co. (Rite Aid Corp.)

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO

Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON GENERAL SERVICES

To Whom Was Referred the report from the Director of Planning and Municipal Development on the proposed community Energy Management Program—Phase II Grant from the State of Michigan

Energy Administration in the amount of \$5,000,

Reports As Follows; The Committee had requested that an inquiry be made to the Board of Water and Light's possible administration of this grant program as part of their ongoing energy conservation efforts. The Board of Water and Light General Manager has expressed willingness to be the implementing agent for the program if the grant is received from the State, if the City provides an already-budgeted matching amount, and if City staff provide support assistance to the Board of Water and Light. The Committee has advised the Director of Planning and Municipal Development to proceed with staff work necessary to accept the grant and turn the program over to the Board of Water and Light.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO

Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

REPORT OF COMMITTEE

By the Committee on Public Safety and Properties.

To Whom Was Referred the request from McNamee, Porter and Seeley for permission to allow sewer sub-contractors to work nights and weekends clearing the major interceptor sewer at periods of low flows,

Reports As Follows; The major interceptor line runs from Michigan Avenue to Lansing Avenue, mostly paralleling the Grand River. The requested period of night and weekend work is June 16 through August 4. The term "nights" includes the hours from 10 p.m. to 7 a.m., but this work may be suspended upon complaint by the City. The committee recommends that the work be allowed to proceed as requested.

Signed:

TONY BENAVIDES
LOUIS F. ADADO

Committee on Public Safety and Properties.

By COUNCILMAN BLAIR—

That the Report of the Committee be Adopted.

Councilmember Lindemann left the meeting.

Adopted by the following vote:

Yeas—COUNCILMEMBERS ADADO, BELEN, BENAVIDES, CREAMER, SCHMIDT and WORTHINGTON—6.

Nays—COUNCILMAN BLAIR—1.

REPORTS OF CITY OFFICERS AND BOARDS

Councilmember Lindemann returned to the

meeting.

June 12, 1986

President Benavides and Members of
Lansing City Council

Re: Claim of Robert N. McKerr

Dear President Benavides and Members of
Lansing City Council:

On April 9, 1986, Robert N. McKerr, 2990 Lorraine, Lansing, filed a claim for damages of \$211.20 to his automobile which allegedly occurred at the City Parking Ramp, 320 S. Capitol, on April 3, 1986 while claimant was at work between 8:00 a.m. and 5:00 p.m.

This claim was investigated by the City Transportation Engineer who reported that the claimant had spoken to him on the above date concerning the incident and upon physical inspection found dents on the claimant's car apparently caused by a heavy object with glass borders. A police report was taken, but where or how the damage occurred could not be determined according to the investigation. The Transportation Engineer added in his report that no City work crews were working in the area of claimant's parked vehicle. The City had no notice of vandalism or other similar damage in that area, and the parking lot has posted signs disclaiming any responsibility for vehicle damage.

Liability is normally founded upon the existence of negligent acts on the part of the City or its agents or employees. In this case there appears to be no negligence on the part of the City. Since there are no facts to support a finding of negligence, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By Councilmember—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

June 12, 1986

President Benavides and Members of
Lansing City Council

Re: Claim of Jerome Kuhn in the Amount of \$300

Dear President Benavides and Members of
Lansing City Council:

On February 18, 1986 Jerome Kuhn submitted a claim in the amount of \$300 for towing plus storage fees of \$3 a day for each additional day that his motorcycle is stored. Claimant states that he was contacted by the Lansing Police Department and informed that his motorcycle was impounded and being held as evidence for possible criminal prosecution.

Lansing Police report that the claimant's motorcycle was impounded on November 14, 1985. During a vehicle inspection it was discovered that the VIN (vehicle identification number) appeared altered. The person in possession of the motorcycle presented the Lan-

sing Police Department with a bill of sale from a third party other than claimant. The motorcycle, however, was registered with the claimant's name as owner. The police investigation lasted just over three months, from November 14, 1985 to February 25, 1986. During the investigation it was discovered that this particular motorcycle had changed hands on numerous occasions, all without being registered through the Secretary of State. In addition, claimant stated that he gave the motorcycle away to a friend, considered it his friend's bike and expected nothing from his friend in return for the bike. Locating claimant's friend was crucial to the investigation. Although the claimant indicated that he could reach his friend who was now living in Florida, neither the claimant nor the Police Department could locate the claimant's friend. Finally, without being able to interview the claimant's friend, the case was closed by the Lansing Police Department and claimant was informed that he could pick up his motorcycle.

Although claimant was informed by the Lansing Police Department on February 25, 1986 that he could pick up his motorcycle, as of March 19 he has not done so.

"No impounded vehicle shall be discharged or removed from its storage area except upon the payment by the owner of such vehicle or other owner's representative of such sums as are set by ordinance of the city council for the removal and storage of said vehicle, and such other sums as are set by ordinance of the city council for the removal and storage of said vehicle, and such other sums as the city may become obligated to pay for the removal and storage of said vehicle... Provided that upon a showing of good cause to the transportation division by the vehicle owner as to why the vehicle was not claimed earlier... the towing and storage fees may be waived." Lansing City Ordinance, Chapter 31, Section 31-175.

The Police Department would not release the motorcycle to the claimant until after the investigation was completed. The investigation was completed and the claimant was duly informed on February 25, 1986 that he could pick up the motorcycle. Therefore, good cause has been demonstrated for that period of time. The total towing charge and storage fees as of February 25, was \$35 towing fee, \$279 for 93 days of storage at \$3 per day, for a total amount of \$304.

Therefore, it is the recommendation of this office that the claim be granted in the amount of \$304 with the added condition that it be paid to the claimant only should the claimant pick up his motorcycle from storage.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By Councilmember—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$304.00 payable to Jerome Kuhn.

Carried.

June 9, 1986

President Benavides and Members of
Lansing City Council

Re: Redemption of Worker's Disability
Compensation Matter Entitled
Minnise J. Holt v City of Lansing

Dear President Benavides and Members of
Lansing City Council:

Article IV, Chapter 4, Section 4-304.7 of the Lansing City Charter requires a recommendation by the City Attorney and the consent of the City Council before civil litigation may be settled. This office requests your approval to settle the above matter for the sum of \$6,500.

Claimant, whose date of birth is June 22, 1923, began employment with the Public Service Department on May 18, 1961 and retired on a regular pension on July 26, 1985. In November of 1978, Claimant was injured on the job when he was knocked to the ground by a co-employee. The City had voluntarily paid wage loss for lost time and medical benefits from that time until about July of 1985 when he retired.

Since claimant retired on a regular pension and not a duty-disability pension, the City, contending that claimant was no longer disabled because of a work-related injury, disputed paying further Worker's Compensation benefits. Claimant's Petition filed with the Bureau alleges continued disability of his back and shoulder due to the above injury.

Claimant is no longer working and receives a pension, therefore, Worker's Compensation wage-loss benefits are not an issue. The only issue to resolve at trial is whether the City is responsible for some past and any future continuing medical expenses.

No medical depositions have been taken by either party up to this point since claimant's past and present medical history on record with the City indicates that the City would most probably be found responsible for past and future medical expenses of the claimant. This is particularly true since the City has been voluntarily paying up until most recently. The latest medical report from the Lansing Occupational Medical Center indicates muscle spasms on the right side of his back.

From the date of the injury to present, an eight (8) year period, the City has paid a total of \$6,549. Claimant is 63 years old with a potential life expectancy of another 18.6 years according to applicable mortality tables. This office and the Safety Division, Robert W. Pohl, Safety Director, based upon an assessment of on-going medical treatment records and medical bills which the City has paid in the past, expect that claimant's future medical expenses will at least double the past cost of \$6,549. Therefore, it is the recommendation of this office and Robert W. Pohl, Safety Director, that this matter be settled for \$6,500. Claimant and his attorney have indicated that they will accept this amount in full settlement.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By Councilmember—

That we concur in the recommendation of the City Attorney and this redemption of Worker's Disability Compensation be settled in the amount of \$6,500 payable to Minnise J. Holt.

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BELEN, BENAVIDES, BLAIR, LINDEMANN SCHMIDT and WORTHINGTON—7.

Nays—COUNCILMAN CREAMER—1.

June 12, 1986

President Benavides and Members of
Lansing City Council

Re: Redemption of Liability in Worker's Disability
Compensation Matter Entitled Betty Bush-
Little v City of Lansing

Dear President Benavides and Members of
Lansing City Council:

Article IV, Chapter 2, Section 4-304.7 of the Lansing City Charter states that no civil litigation may be settled without the recommendation of the City Attorney and the consent of the City Council. Therefore, upon the recommendation of this office, your assent is requested to redeem the above matter for \$25,000.

Ms. Bush-Little whose date of birth is September 22, 1934, began employment with the City in the former Traffic Department (now Public Service Department) Parking Division on July 2, 1973. At the time she started, she was 38 years old and according to the City Physician, Dr. R. E. Silva, who conducted her pre-employment physical on June 29, 1973, her head and neck were normal and her back had "Full range of Motion." Her duties while she was with the City were those of a metermaid and included collecting the change from the meters.

Her first work-related injury occurred on February 16, 1978 when she slipped and fell on ice while checking meters. She caught herself with her right hand and injured her right shoulder. In that same year on December 15, 1978, while in a City Cushman scooter, she was hit in the rear, which allegedly aggravated her condition. Then, on December 17, 1981, she picked up a money container weighing approximately 25 pounds from a table and she felt a snap in the right shoulder. According to her doctor, George Fuksa, M.D. Orthopedic surgeon, she continues to periodically experience snapping of her shoulder. On April 26, 1982, she underwent surgery of the right shoulder. Dr. Fuksa's final diagnosis for the surgery was torn ligaments of the right shoulder, and he believes according to a report dated March 10, 1986, that her condition of weakness of the muscle of this area is permanent and that she is not capable of performing her original job. Ms. Bush-Little also alleges that she injured her back, neck and shoulder while lifting another money container on September 21, 1983, and that her return to work until March 15, 1985 aggravated a pre-existing condition. In his report Dr. Fuksa confirmed that when he saw her on October 8, 1985, she had developed problems with the left shoulder and cervical spine. Dr. Fuksa indicates that she will need continuous physical therapy for the pain and discomfort which she will probably have the rest of her life.

On the contrary, Dr. Edward Haupt of the Lansing Occupational Medical Clinic examined Ms. Bush-Little on March 11, 1986 on behalf of the City and stated that he was unable to substantiate an orthopedic reason for her subjective complaints and felt

that she is capable of working at a full time job, especially that of clerical work.

Ms. Bush-Little's last day on the job was October 25, 1985. Her rate of Worker's Compensation is \$183.57 for a 1983 injury. She was last paid voluntarily by the City on March 18, 1986.

The City's present potential liability is as follows:

Accrued wage loss liability from March 18 to present (\$183.57 per week)	\$2,202.84
Future wage loss liability (Mortality table at age 51 = 31.34) (yearly rate \$9,545.64)	\$299,160.35
Past Medical Liability	\$4,785.00
Past Rehabilitation Expenses	\$325.00
Estimated Future Medical	\$5,000.00
Total Potential Past and Future Liability	\$311,473.19

Plaintiff who is represented by Attorney Thomas Anderson of Anderson, Hay & Wonch, P.C. and the City have negotiated a tentative settlement of all issues and liability \$25,000. The opinion of Dr. Fuksa her treating surgeon and Claimant's own testimony might well prevail as to the issue of disability if this case went to trial. In fact, even if the administrative law judge were to accept the City doctor's entire report as the deciding medical opinion, she would still most likely be found to be partially disabled since Dr. Hampt states that she can only do clerical work. He does not indicate that she can do the job she was doing as a metermaid and meter coin collector. The practical effect could be the same in terms of potential liability. Therefore, it is the recommendation of this office that the City Council approve that this matter be redeemed in the amount of \$25,000.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By Councilmember—

That we concur in the recommendation of the City Attorney and this claim be redeemed in the amount of \$25,000. payable to Betty Bush-Little.

Carried.

DATE: 6/6/86

TO: President Tony Benavides and Members,
Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Permit—July 4—Lansing Parks
and Recreation

Attached is an application for the annual 4th of July parade, sponsored by the Lansing Parks and Recreation Department, scheduled to begin at 10:00 AM, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$1,343.07, which represents two Sergeants, thirteen Police Officers and fifteen vehicles for three hours.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade permit be approved for July 4, 1986.

Carried

June 12, 1986

President Benavides and Members of
Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public Driver License for Richard Allen Benson that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Benson have a Public Driver License under Section 30-5 (1) (H).

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services.

June 12, 1986

Council President Benavides and
Councilmembers

Dear President Benavides and Councilmembers:

During the regular Council meeting of Monday, June 9, 1986, I explained my concerns about Resolution #6c pertaining to zero base budgeting.

I wish to reiterate my concerns about two aspects of this discussion. First is the fact that as a strong Mayor, I am obligated by City Charter to prepare and submit my proposed budget. I asked the City Attorney to review this whole question prior to deciding whether or not to veto the "zero based budget" resolution. Based on his opinion, and I quote,

"... that although once the budget is submitted, the City Council is empowered to revise the budget as it may wish... the use of a 'zero base budget' procedure in budget preparation is an *administrative*, (emphasis added) decision within the power of the Mayor."

"The procedures and format of preparing each year's budget except as limited by Charter, are administrative and are the prerogative of the Mayor."

I do not see the need to veto the resolution as it is outside the legislative/policy realm.

I am, however, more than willing to recognize its intent as an advisory resolution and would be willing to have my staff work with the Ways and Means Committee to mutually develop a budget format that is acceptable to us both. In a spirit of cooperation, I am confident we can do so.

My other concern is that we make a meaningful and productive effort to assess our service levels, staffing needs and resource commitments. Your up-front policy direction is a critical element of such a process. The substance of what we are trying to achieve is the

real issue. If you don't have a goal, then the form of presentation can't help you.

I commend Councilmembers Belen and Worthington for opposing Resolution #6c. I urge all councilmembers to re-evaluate your positions on these important matters and to work cooperatively to achieve the policy goals of the City.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee of the Whole and Committee on Ways and Means.

June 12, 1986

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and
City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Richard Stuckman to the Building Board of Appeals. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Richard Stuckman to this important Board.

Best personal regards,

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and reappoint Richard Stuckman to the Building Board of Appeals.

Carried.

June 9, 1986

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and
City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Constance Knowlton to the Human Resources Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Constance Knowlton to this important Board.

Best personal regards,

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the

Mayor and reappoint Constance Knowlton to the Human Resources Board.

Carried.

June 9, 1986

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and
City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Joan Barker to the Historic District Commission. The term will expire in June, 1989.

I trust you will give careful consideration to the reappointment of Joan Barker to this important Commission.

Best personal regards,

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and reappoint Joan Barker to the Historic District Commission.

Carried.

June 9, 1986

Council President Benavides and Lansing
City Councilmakers

Dear President Benavides and
City Councilmakers:

I hereby submit for your consideration and confirmation the reappointment of Lee A. Canady to the Human Relations Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Lee A. Canady to this important Board.

Best personal regards,

Signed,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and reappoint Lee A. Canady to the Human Relations Board.

Carried.

June 9, 1986

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and
City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Stuart J. Dunning, Jr. to the Human Relations Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Stuart J. Dunning, Jr. to this important Board.

Best personal regards,

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and reappoint Stuart J. Dunning, Jr. to the Human Relations Board.

Carried.

June 12, 1986

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and
City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Leonard McConnel to the Police Board of Commissioners. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Leonard McConnell to this important Commission.

Best personal regards,

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and reappoint Leonard McConnell to the Police Board of Commissioners.

Carried.

DATE: 6/9/86

TO: President Benavides and City
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Public Service Director

RE: Trash in R.O.W. Removal Assessments
for December, 1986 (V-13)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessments in the amount of \$1,003.16 be placed on the December 1986 Tax Roll (V-13).

Carried.

DATE: 6/12/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Ways and Means

RESOLUTIONS

BY THE COMMITTEE ON GENERAL SERVICES

RESOLUTION #259

Resolved by the City Council of the City of Lansing:

Whereas, Theodore H. Longdo applied on April 22, 1986 for renewal of his City license as a public driver; and

Whereas, following a routine records check, the Police department recommended on April 28, 1986, that Mr. Longdo's application be disapproved in accordance with Section 30-5 (1) (e) of the City Code, under which a poor driving record is listed as grounds for disapproval; and

Whereas, the Committee on General Services scheduled and held a hearing on June 3, 1986, to allow Mr. Longdo to present testimony on his own behalf; and

Whereas, Mr. Longdo did not appear at the hearing or send any subsequent communication to City Council requesting renewal of his license; and

Whereas, an acquaintance of Mr. Longdo present at the Committee hearing on June 3, 1986, stated that Mr. Longdo has obtained other employment and no longer requires a public drivers license;

Now, Therefore, Be It Resolved, the Lansing City Council hereby disapproves the application of Theodore H. Longdo for renewal of his license as a public driver based on the Police Department's report of excessive traffic violations in 1985 on Mr. Longdo's record; and

Be It Further Resolved, the City Clerk is requested to notify Mr. Longdo of this action as required by Section 30-5 (8) (d) of the City Code.

Adopted by the following vote:

Unanimously.

BY THE COMMITTEE ON PUBLIC SAFETY
AND PROPERTIES

RESOLUTION #260

Resolved by the City Council of the City of Lansing:

Whereas, the Committee on Public Safety and Properties has reviewed a request to hold a five-mile road race called the "Lite Duckathon" in downtown Lansing with City co-sponsorship; and

Whereas, the Committee received staff reports from the Police Department, the Parks and Recreation Department and the Mayor's representative concurring in a recommendation to deny the request due to insufficient time to prepare for the event; and

Whereas, while the Committee is supportive of running races as community promotion events in Lansing, the Committee recognizes that the City Administration needs time to plan race scenarios, set standards for compliance by race sponsors, and insure safe events that provide minimum disruption to traffic and business activity;

Now, Therefore, Be It Resolved the Lansing City Council hereby concurs with the recommendation from the Committee on Public Safety and Properties to deny the request of Jack Pollard to hold the "Lite Duckathon" in downtown Lansing with City co-sponsorship, due to insufficient time to plan a safe race by the proposed date of August 16, 1986.

Adopted by the following vote:

Unanimously.

RESOLUTION #261

Resolved by the City Council of the City of Lansing:

That the Parks and Recreation Department's application for a fireworks display permit on July 4, 1986, is hereby approved.

Much discussion was held in regard to the insurance for the fire works and the place where the fire works will be held.

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BELEN, BENAVIDES, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON—7.

Nays—COUNCILMAN BLAIR—1.

RESOLUTION #262

Resolved by the City Council of the City of Lansing:

Whereas, by resolution adopted March 17, 1986, this Council authorized a 60-day study to determine if a new three-way stop at the intersection of Brighton and Stillwell would eliminate the need for an adult crossing guard at the intersection for Wainwright School students; and

Whereas, the Chief of Police has reported that the

stop signs and student safety patrollers have handled the intersection and everything is working safely; and

Whereas, the Committee on Public Safety and Properties has reviewed the Chief's report and concurs in the recommendation to remove the authorization for an adult crossing guard at the subject intersection;

Now, Therefore, Be It Resolved, the Lansing City Council hereby eliminates the adult crossing guard position at the intersection of Brighton and Stillwell from the list of permanent adult guard locations.

Councilmember Blair left the meeting.

Adopted by the following vote:

Unanimously.

RESOLUTION #263

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing desires to encourage and support shopping and commercial activity in the downtown business area by improving and maintaining the Washington Mall and Environs area by providing landscape maintenance, planter tub maintenance, special cleanup employees, Mall and side street sidewalk snow removal, snow ridge cut throughs and mechanical sweepings; and

Whereas, the City of Lansing has determined that a portion of the costs of providing such services should be recovered by a special assessment of them against properties benefited, as authorized by Article II of Chapter 27A of the Lansing Code of Ordinances; and

Whereas, a June 16, 1986 public hearing was held in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan in regards to the setting of the boundaries of the special assessment district, the estimated cost of the special assessment and the proposition of the amount to be assessed; and

Whereas, the Lansing Mall Advisory Board has reviewed the proposed services and proposed cost;

Now, Therefore, Be It Resolved, that a special assessment district for the maintenance of the Washington Mall and Environs be established as follows:

Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on N. Grand Avenue (both sides) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (both sides—exclude Reutter Park) to W. Allegan and on Capitol Avenue (E. side only) N. to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo; and

Be It Further Resolved that 50% of the planter tub maintenance and 100% of the costs of special cleanup employees, snow removal and mechanical sweeping within the special assessment district be recovered by a special assessment of these costs against the properties especially benefited; and

Be It Further Resolved that the estimated cost of

\$91,164 associated with this maintenance program shall be assessed against the properties situated within the boundaries of the special assessment district and specifically benefited for the above described services; and

Be It Further Resolved that the City Assessor is requested to prepare an assessment roll assessing all Washington Mall properties on the basis of each property's total front footage for those services specifically provided and assessing all side street properties on the basis of each property's total front footage for those services specifically provided; and

Be It Further Resolved that the special assessment roll shall be subscribed by the City Assessor and returned to City Council on or before June 30, 1986; and

Be It Further Resolved that a public hearing to confirm the special assessment roll will be held on June 30, 1986 at 7:00 p.m., Monday, in the City Council Chamber, 10th floor, City Hall, Lansing, Michigan; and

Be It Finally Resolved that the City Clerk publish notice of the hearing to confirm the special assessment roll in a newspaper of general circulation for five (5) consecutive days prior to the date of the hearing and that notice of the confirmation hearing be mailed to each owner or party in interest in property to be assessed.

Adopted by the following vote:

Unanimously.

BY ECONOMIC DEVELOPMENT COMMITTEE

RESOLUTION #264

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a Lansing Plant Rehabilitation District IPR-3-85 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 630 Park Place; and

Whereas, R.G. and Irma Curtiss submitted an application for an Industrial Facilities Exemption Certificate for rehabilitation of an existing facility; and

Whereas, a hearing was held on the Curtiss's application for the Exemption Certificate on May 12, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, R.G. and Irma Curtiss have met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of the this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated May 13, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from R.G.

and Irma Curtiss for an Industrial Facilities Exemption Certificate for rehabilitation and replacement of equipment in Lansing Plant Rehabilitation District IPR-3-85, to remain in affect for twelve years.

Adopted by the following vote:

Unanimously.

DATE: 5/13/86

TO: Mayor Terry J. McKane and City Councilmembers

FROM: James W. Dowsett, Finance Director

SUBJECT: Financial Impact Statement

RE: Industrial Facilities Exemption Certificates,
R.G. & Irma Curtiss

The request by R.G. & Irma Curtiss for abatement of taxes on the rehabilitation of an existing facility at 630 Park Place will have the following effect on property tax revenues to be collected by the taxing units in the City of Lansing.

Abatement of taxes on an existing facility will have the following impact to the taxing units in the first year, which would not lose existing taxes but would forego the increased property tax revenues for a twelve (12) year abatement period.

Reported Investment, District IPR-3-85 —
\$55,763.00 yielding
(Rehab facility)
\$27,881.50 assessed value

1985 Tax Rates		Estimated 1st Year
(mills)	Units	Abatement
\$11.20	City of Lansing	\$ 312.27
3.30	Lansing Community College	92.01
38.93	Lansing School District	1,085.43
12.57	Ingham County	350.47
\$66.00	TOTAL	\$1,840.18

JAMES W. DOWSETT
Finance Director

By COUNCILMAN ADADO—

That this resolution be substituted for the one that was placed on the agenda and in the packets.

Carried.

By COUNCILMEMBER ADADO—

RESOLUTION #265

Resolved by the City Council of the City of Lansing:

Whereas, the City Attorney has interpreted Section 3-305.3 of the City Charter to mean that the City Council's two-week time limit to act on a mayoral veto begins when the Mayor files notice of such veto in the office of the City Clerk, rather than when City Council actually receives the veto at a regular or special meeting;

Now Therefore Be It Resolved the Lansing City Council hereby requests the Mayor or City Clerk to serve copies of the veto message to each member of Council, at his or her home or place of business,

within two hours following the Mayor's filing of any veto message in the office of the City Clerk.

By COUNCILMAN WORTHINGTON—

That the resolution be amended as follows: That in the 2nd paragraph, 2nd line that the words "Mayor or" be deleted.

Adopted by the following vote:

Yeas—COUNCILMEN BELEN, BENAVIDES, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON—6.

Nays—COUNCILMAN ADADO—1.

The resolution as amended was

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT II

BY COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #266

ROLL NO. 302

Resolved by the City Council of the City of Lansing:

That the plans and specifications returned by the Department of Public Service in pursuance of the resolution of this Council.

Resolution date 5/19/86; P.S. #65113 C&G/St. Sewer; Property Benefited: All lands fronting on Tressa Drive from Jolly Road to north end of street excepting all public streets & alleys & other land deemed not benefited.

Resolution date 5/19/86; P.S. #26047 C&G; Property Benefited: All lands fronting on Cypress Street from Roosevelt St. to Knollwood Street excepting all public streets & alleys & other land deemed not benefited.

Resolution date 7/15/85; P.S. #75105 C&G & St. Sewer; Property Benefited: All lands fronting on Durwell St. from Haag Road to Hughes Road excepting all public streets & alleys & other land deemed not benefited.

Resolution date 5/20/85; P.S. #65100 C&G/St. Sewer/San. Sewer; Property Benefited: All lands fronting on Ferrol Street from Christiansen Rd. to the East end of the street excepting all public streets & alleys & other lands deemed not benefited.

Resolution date 5/20/85; P.S. #85041 C&G (ordered); Property Benefited: All lands fronting on Yunker Street from Miller Rd. to approx. 160 ft. S. of Victoria (end of St.) excepting all public streets & alleys & other lands deemed not benefited.

Resolution date 5/20/85; P.S. #85041 C&G (ordered); Property Benefited: All lands fronting on Barker Street from Southfield to Victoria Street excepting all public streets & other lands deemed not benefited.

Resolution date 5/20/85; P.S. #85041 C&G (ordered); Property Benefited: All lands fronting on Shreve Street from Southfield to Victoria excepting all public streets & alleys & other lands deemed not benefited.

Resolution date 5/20/85; P.S. #85041 C&G (ordered); Property Benefited: All lands fronting on Daft Street from Miller Road to Victoria excepting all public streets and alleys & other lands deemed not benefited.

Resolution date 8/12/85; P.S. #75106 C&G/St. Sewer; Property Benefited: All lands fronting on Daft Street from Miller Rd. to Hein Ave. excepting all public streets & alleys & other lands deemed not benefited.

Resolution date 5/20/85; P.S. #85041 C&G/St. Sewer ordered; Property Benefited: All lands fronting on Victoria from Daft St. to Yunker Street excepting all public streets & alleys & other lands deemed not benefited.

be received, approved and placed on file.

The Engineer's estimated expense of said improvements are as follows:

Project number PS 85047; Assessment Roll No. C&G; Intersection and City Contribution \$130,500.00*; Assessable to Property Owners \$134,300.00; Total Project Cost \$264,800.00; Assessment Roll No. Storm; Intersection and City Contribution \$10,400.00*; Assessable to Property Owners \$53,800.00; Total Project Cost \$64,200.00; Assessment Roll No. San.; Intersection and City Contribution \$2,900.00***; Assessable to Property Owners \$2,500.00; Total Project Cost \$5,400.00;

Total Project Cost for Intersection and City Contribution \$143,800.00; Assessable to Property Owners \$190,600.00; Total Project Cost \$334,400.00

*401-900-000-974.2 \$23,628.32;
401-787-010-974.667 \$10,400.00; *101.452-615-974 \$1,482.99; *590-536-608-974 \$2,900.00;
*203-452-613-974 \$3,000.00.

That the Purchasing Director be directed to advertise and let for bid the specifications for said projects as submitted by the Department of Public Service.

*203-456-615-974 \$5,000.00; *203-452-617-974 \$110,688.69

That the City Assessor be, and is directed, to make special assessment installment rolls, based upon bids to be received and other related costs of construction, and return same to the City Council.

I hereby certify that funds are available for the City of Lansing's share of said project. All Projects are a part of the 1986 New Roads Construction Contract, PS 85947.

CHARLES S. REMENOR
Deputy Controllor

Adopted by the following vote:

Unanimously.

Councilman Blair returned to the session.

RESOLUTION #267

By COUNCILMAN LINDEMANN—

That the following resolution be substituted for the one that was placed on the agenda and was in the packets.

Adopted by the following vote:

Yeas—COUNCILMEN BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN and WORTHINGTON—6.

Nays—COUNCILMEN ADADO and SCHMIDT—2.

BY COMMITTEE OF THE WHOLE AND THE COMMITTEE ON WAYS AND MEANS

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing and the Fraternal Order of Police #141 Lansing Police Supervisors have negotiated a proposed labor agreement; and

Whereas, the Mayor has recommended approval of the proposed agreement; and

Whereas, funds budgeted for wage increases are not adequate to fund the provisions of this contract;

Now, Therefore, Be It Resolved, that the Lansing City Council hereby approves the proposed contract between the City of Lansing and the FOP Supervisors unit for the period February 1, 1986 to June 30, 1987; and

Be It Further Resolved, that the Budget Office be authorized to administratively transfer \$48,689.00 in the FY86-87 Budget from the General Fund Contingency fund to the appropriate police salary accounts and to the appropriate fringe benefit accounts; and that the new authorized Police positions be delayed until October 1, 1986 per the Mayor's recommendation, to provide the remaining funding needed; and

Be It Finally Resolved, that moratorium salary and wage savings equalling \$48,689.00 from all departments (excluding District Court) be administratively transferred back into the FY 86-87 General Fund Contingency Fund to replenish the Contingency Fund and the Budget Office be authorized and required to administratively transfer such funds.

Much discussion was held and questions asked.

The following vote was taken on the substituted resolution.

Lost by the following vote:

Yeas—COUNCILMEN BELEN, BLAIR, LINDEMANN and WORTHINGTON—4.

Nays—COUNCILMEN ADADO, BENAVIDES, CREAMER and SCHMIDT—4.

By COUNCILMAN ADADO:

That we reconsider the vote taken on the substituted resolution.

Adopted by the following vote:

Unanimously.

Much discussion was held.

By Councilman Blair that we have a 5 minute recess.

Carried.

Council recessed at 8:30 P.M. and reconvened at 8:35 P.M.

By COUNCILMAN ADADO—

That we substitute the original resolution for the previous one that was substituted:

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BENAVIDES, CREAMER, LINDEMANN and SCHMIDT—5.

Nays—BELEN, BLAIR and WORTHINGTON—3

By COUNCILMAN CREAMER—

That the resolution be amended in the last paragraph—2nd line by striking out the total of \$77,378.00 and making the total read \$97,378.00.

Carried.

By COUNCILMAN BLAIR—

That the resolution be amended as follows:

In the 4th paragraph last line delete the “; and” and delete the last two (2) paragraphs.

Adopted by the following vote:

Yeas—COUNCILMEN BELEN, BLAIR, CREAMER, LINDEMANN and WORTHINGTON—5.

Nays—COUNCILMEN ADADO, BENAVIDES and SCHMIDT—3.

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing and the Fraternal Order of Police #141 Lansing Police Supervisors have negotiated a proposed labor agreement; and

Whereas, the Mayor has recommended approval of the proposed agreement; and

Whereas, funds budgeted for wage increases are not adequate to fund the provisions of this contract;

Now, Therefore, Be It Resolved, that the Lansing City Council hereby approves the proposed contract between the City of Lansing and the FOP Supervisors unit for the period February 1, 1986 to June 30, 1987; and

Be It Further Resolved that the Budget Office be authorized to administratively transfer \$97,378.00 in the FY86-87 Budget from the General Fund Contingency fund to the appropriate policy salary accounts and to the appropriate fringe benefit accounts; and

Be It Finally Resolved that moratorium salary and wage savings equalling \$97,378.00 from all departments (excluding District Court) be administratively transferred back into the FY86-87 General Fund Contingency Fund to replenish the Contingency Fund and the Budget Office be authorized and required to administratively transfer such funds.

More discussion was held.

By Councilman Adado that we call for the question.

Carried.

By Councilman that we move for the adoption of the resolution as amended:

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Amending Section 4-10 of Chapter 4 to modify requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned or controlled areas.

was introduced by Councilmember Worthington read a first and second time by its title and referred to the Committee on General Services.

BY COMMITTEE ON GENERAL SERVICES

RESOLUTION #268

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, July 23, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving Ordinance to amend Section 4-10 of Chapter 4 to modify requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned and controlled areas.

By Councilman Worthington that the resolution be amended as follows: that in the 1st line the month of “July” be changed to read “June”

Carried.

Adopted by the following vote:

Unanimously.

By COUNCILMAN CREAMER—

I move to take the following resolution from the table.

Carried.

BY COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #269

Resolved by the City Council of the City of Lansing:

ACT 39-83

Whereas, the Lansing City Council adopted a resolution on November 7, 1983 for the purposed vacation of Harton Street after completion of all necessary work on the Public Service Department projects within Harton Street; and

Whereas, the Public Service Department projects are finished:

Now, therefore, Be It Resolved that the Lansing City Council does hereby vacate Harton Street, legally described as:

Lot 175, Lansing Addition Company's Sub of Outlot "B" of Leslie Park Sub

The following three (3) descriptions being in

"Brown's Subdivision" of Part of Outlots "A" and "B" of Snyder's Addition to City of Lansing:

Commencing at southwest corner of Lot 15, thence South 66 feet, thence East 132 feet, thence North 66 feet, thence West 132 feet to point of beginning

Commencing at southwest corner of Lot 24, thence South 66 feet, thence East 264 feet, thence North 66 feet, thence West 264 feet to point of beginning

Commencing at southwest corner of Lot 62, thence South 66 feet, thence East 264 feet, thence North 66 feet, thence West 264 feet to point of beginning.

Be It Further Resolved that the Mayor is hereby authorized to quit claim deed the City's Interest in Lot 175 as a lot split to the owners of Lots 174 and 176, each owner receiving one half of Lot 175.

Be It Further Resolved that the City of Lansing reserves a perpetual easement for any and all purposes, the right of ingress and egress, for the employees of the Board of Water and Light and the City of Lansing, the employees of utilities, either public or private, to use vacated Harton Street or so much as may be necessary for installation, reinstallation, maintenance, repair or removal of utilities.

Be It Further Resolved that the above Easement be placed on the quit claim deeds for Lot 175.

Be It Finally Resolved that the City Clerk is directed to record a certified copy of this Resolution with the Register of Deeds and shall also send a recorded copy to the State Treasurer.

By COUNCILMEMBER SCHMIDT—

I move to let a spokesman for the group speak for a period of 5-minutes.

Carried.

Terry Maag representing the east side neighborhood spoke.

Councilman Lindemann asked the people in the audience that were attending for this resolution to stand.

Councilman Adado moved for a 3 minute recess: the Council recessed at 9:12 P.M. and reconvened at 9:15 P.M.

Motion by Councilmember Adado that the resolution be considered read and an affirmative roll be taken.

Much more discussion was held.

Councilman Adado moved to withdraw his motion.

Carried.

Councilman Lindemann moved to postpone this action for a 12 month period for further study.

Carried.

By COUNCILMEMBER LINDEMANN, WORTHINGTON and CREAMER

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from Angela E. Coonrod asking that assessment for sidewalk repair in front of her house at 601 No. Magnolia St. be taken off her assessment due to a tree condition that caused the problem.

Referred to the Mayor

Letter from Steven L. Plavnick, Ph.D. asking that some safety measures be taken in connection with traffic situation that exist on No. Grand River Ave. by Gorman's Food Market.

Referred to the Committee on Public Safety and Property, Traffic Board and the Mayor.

Letters and petitions filed from residents of the Riverfront Towers asking that something be done in regard to the pigeons in the Riverfront area and the mess that they make on the residents patios and balconies.

Referred to the Mayor.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #270

Resolved by the City Council of the City of Lansing:

Whereas, the City desires the pedway connecting the Exhibition Hall to the Radison Hotel to be constructed in a timely fashion; and

Whereas, the final design work, including cost estimates, for the pedway is not yet complete; and

Whereas, the final design options for the pedway will not include changes in the concrete and steel framing to support the pedway; and

Whereas, City Council has heretofore approved the route and general design of the pedway; and

Whereas, further delay in ordering steel and concrete work for the pedway supports will result in unacceptable delay of the pedway;

Now, Therefore, It Is Hereby Resolved that the Lansing Building Authority is hereby authorized to begin purchase and construction of the steel and concrete supports and framing of the pedway in accordance with the route and basic design heretofore approved by City Council.

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BELEN, BENAVIDES, LINDEMANN, SCHMIDT and WORTHINGTON—6.

Nays—COUNCILMEN BLAIR and CREAMER—2.

June 16, 1986

Council President Benavides and Lansing
City Councilmembers

Dear Council President and City
Councilmembers:

As you know, Sion Ministries recently requested (1) use of City parks for three "contemporary music" concerts during July and (2) City co-sponsorship of these events. This request was referred to your Public Safety and Properties Committee and to me for a recommendation.

In regard to this request, I recommend that:

- (1) The City allow one concert in Gier Park this summer (as an experiment), and
- (2) the City not co-sponsor the event.

I also recommend that you authorize me to develop a draft policy for your consideration that would encourage safe, non-disruptive concerts and similar events in City parks.

The reason for my recommendations are discussed in the attached memo to me from Parks and Recreation Director Douglas Finley. Mr. Finley and staff from the Police and Human Relations Departments are prepared to discuss this issue with you.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

June 9, 1986

Mayor Terry J. McKane

Dear Mayor McKane:

Sion Ministries requested approval to hold three outdoor concerts in city parks during the month of July. Parks listed on the request are Davis, Ranney, and Gier. Concerts would run from approximately 4:30 p.m. to 9:00 p.m. on July 12, 19, and 26. At least one of the parks is available on each of those dates but the showmobile is only available on the 12th (and again August 2nd).

Currently there is no city policy specifically addressing the issue of concerts in parks. Concerts have however been held in Riverfront Park since 1976, generally as part of some large event.

Concerts in park areas, including those listed, have the potential of resulting in increased traffic in the adjacent area and amplified music being heard in the immediate surrounding neighborhoods. Whereas the people who come to the park find the music very enjoyable, others often find the music and increased traffic as an irritation.

It is my general impression that Gier Park is best equipped to absorb a large group of people, and is sufficiently large enough to be able to locate the stage so as to minimize the sound impact. Davis would be second, Ranney third.

The second request is for co-sponsorship of the event. Co-sponsorship in this case would include the recovery of fees for the showmobile, and police involvement required and/or Human Relations personnel.

The city previously co-sponsored a series of concerts. These were held in Riverfront Park and included country music, jazz, etc. These concerts were discontinued

several years ago as result of budget limitations. Approval of co-sponsorship of this (Sion) request would be inconsistent with the direction taken with other musical groups in the area. It would also be inconsistent with City policy and I do not feel we should co-sponsor this event.

If the City Council wishes to co-sponsor concerts, I recommend the look at approving a series of concerts where a range of type of groups perform.

Further, I do not feel the city should approve a three-concert series for park areas where this has not been attempted previously. Sion's request should only be considered based on a single concert in 1986 (preferably Gier). Since LPD and Human Relations may be involved it is important to secure their recommendations before formulating a specific administrative position.

I also recommend that the administration (Police, Human Relations, Recreation, Law, etc.) develop standards for groups conducting concert-type events, including a specific list of the responsibilities for the concert organizers. This should assure there will be no cost to the city (direct or indirect).

I will send a copy of this to both the Police Department and Human Relations. Both agencies may potentially be affected and therefore should prepare independent recommendations.

Sincerely,

DOUGLAS FINLEY
Director Parks and Recreation

cc: Lansing Police Department
Human Relations Department

City Council of Lansing

Dear City Councilmen:

It has come to my attention that several applications are being reviewed per our desire to provide summer concerts in several Lansing parks. Please consider this letter to be a formal request to seriously consider a prompt approval and co-sponsorship of these events.

I understand that Doug Finney has been in touch with you concerning this matter. In my correspondence with him, there has not only been a strong sense of camaraderie, but also a sense of sincere excitement about the concerts.

SION is a contemporary music band from the Greater Lansing Area. There are seven members, and they are all proficient at their trade. The group addresses issues of a moral and inspirational nature, and has been doing such for several years.

During three Saturdays in July, we expect approximately 500+ persons to attend these functions. The band is convinced that an alternative to the present-day amoral nature of outdoor events of this type is both necessary and desirable by at least 70% of the population at large. You have perhaps heard of several national organizations that promote principles of decency, order, and restraint in popular music. Our group not only agrees with these concerns, but will also remain in the position to enhance the furtherance of this posture.

It is certainly a privilege for us to be involved in the

furtherance of positive, wholesome activities for the Lansing area. Clearly, concerts in the parks of this city will only continue to be of cultural, moral, and spiritual significance if bands of our caliber are allowed to participate in the propagation of the principles that made this nation the greatest of any in existence.

I am very appreciative of the attention you are giving to this matter. Thank you for your time. I look forward to a meeting in the near future.

Sincerely,

ANTHONY WELLS
President Sion Ministries, Inc.

CITY OF LANSING
Parks and Recreation Department
Application for Special Park Use
or use of the
Downtown Mall & Environs

Name: Tony Wells Date: 5/19/86
Address: 3224 Ronald St. Phone: (517) 882-5630
Group or Organization (if any): Sion
Description of Use: Parks requested to be used for concert featuring Sion.

Date(s) and Time(s) of Use: Dates requested are 7/12/86, 7/19/86, and 7/26/86. Times requested for each date is 4:30 p.m. to 9:00 p.m.

Proposed Location of Use (indicate on map): Three city parks: Davis Park, Ronney Park, and Gier Park.

City Assistance Being Requested: Personnel to help with crowd control.

TONY WELLS
5/19/86

CITY OF LANSING
Parks and Recreation Department
Application for Showmobile Use

Name: Tony Wells Date 5/19/86
Address: 3224 Ronald St. Phone (517) 882-5630
Group or Organization (if any): Sion
Description of Use: Showmobile requested to be used for three (3) concerts featuring Sion.
Date to be SET-UP 7/12, 7/19 and 7/26/86
Time to be READY FOR USE 4:30 p.m.
Date to TAKEN DOWN 7/12, 7/19 and 7/26/86
After WHAT TIME 9:00 p.m.

Proposed Location of Use (attach a map and/or sketch): Davis Park, Ronney Park, and Gier Park—in close proximity to prominent electric power sources.

STAGE ARRANGEMENT:

24' deep x 32' long

STAIR ARRANGEMENT: (2 steps available)
right rear; right front.

Is Electricity Needed? Yes, The lights and PA system require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. Other electrical equipment should be plugged into a separate circuit.

Bunting

Risers—location two (2) risers center stage.

TONY WELLS
5/19/86

REMARKS BY THE MAYOR

The Mayor spoke in regard to Jolly Rd. surfacing and the flooding problem that came about due to last weeks storm.

Howard McCaffery, Director of Public Service spoke and made a presentation in regard to the storm of last week.

REMARKS BY THE CITY COUNCIL

Councilman Adado spoke on the storm.

Councilmember Schmidt spoke on the flooding condition that existed due to last weeks storm.

Terry Maag spoke on sewer problem (pump station serving urbandale needs work)

Richard Fiser, spoke on Sewer problem in the Willard Street area.

Joyce Tetter spoke in regard to police department.

Gregory Byrd spoke regarding flood damage and commented on the gigantic job of Public Service Director Mr. McCafferty. Also commented on Harton Street vacation being postponed.

Terry Maag requested that a footpath be opened thru closed Harton St.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:10 P.M.

RITA M. BAUMAN
City Clerk

June 16, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

361

Proceedings, June 23, 1986

Lansing, Michigan

June 23, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present—COUNCILMEMBERS ADADO, BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN, SCHMIDT, AND WORTHINGTON—8.

Absent—None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceeding of May 19 and 27, 1986 be approved and Carried.

Councilmember Belen asked to be excused between 8:00 and 8:15 P.M. for another commitment.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

June 23, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-6-86—1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Petitions and pictures were presented in favor of rezoning.

Referred to the Committee on Physical Development

June 23, 1986, at 7:00 o'clock being the time set as

the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-7-86—1903 Wood/1804 David Streets, to be rezoned from "A" Residential District to "DM-1" Multiple Residential District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

Dave McCardel, Petitioner spoke in favor of rezoning.

Speakers opposing rezoning were:

Thomas L. Washington, 1129 Shelter Lane

Allan Falk, 2001 N. Fairview St.

Florence Dart, 2016 Wood St.

Carol Banbury, 725 N. Chestnut St., an employee of Michigan United Conservation Clubs, spoke and presented pictures and copy and remarks opposing rezoning.

Claudia Drake, 1910 Wood St.

Gordon Gotts, 2009 Groesbeck

Michael Eyia, Holt, MI spoke representing his parents Miquel Eyia at 1900 Wood St.

Referred to the Committee on Physical Development

June 23, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-8-86—2108 North East Street, to be rezoned from "B" Residential District to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment.

Referred to the Committee on Physical Development

June 23, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-9-86—925 East Oakland Avenue, to be rezoned from "E-2" Local Shopping District to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment.

Referred to the Committee on Physical Development

June 23, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-10-86—4516 South Logan Street to be rezoned from "A" Residential District to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

Harold Halstead, representing petitioner, spoke.

James L. Robinson, 1124 Reo Rd. spoke regarding lot lines and mess at site of rezoning.

Mrs. LeMoine Adams, contract holder of property at 1124 Reo Rd., spoke regarding debris and piled up dirt at site.

Barbara Sammet, 1112 Reo Rd., spoke of the junkyard appearance of 4516 S. Logan St.

Referred to the Committee on Physical Development

June 23, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-11-86—1121 May Street to be rezoned from "B" Residential and "H" Light Industrial Districts to "H" Light Industrial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No objections were made to the proposed amendment(s).

Referred to the Committee on Physical Development

PUBLIC HEARING

June 23, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Special Land Use SLU-3-86, 3000 Blk. W. Jolly Road to be used for relocation of a church.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed special land use they would have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development

June 23, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Make-safe or demolish property located at 323 W. Grand River Avenue.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolish of property they would have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services

June 23, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance to amend Section 4-10 of Chapter 4 to modify requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned or controlled areas.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed ordinance amendment they would have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services

Dr. Leonard Sawisch, 3725 W. Holmes Rd., representing the Lansing Area Great Lakers Basketball Team spoke and asked for a rematch with the City Council for a game to be held Saturday, July 12, 1986 at 2:00 p.m.

By COUNCILMEMBER ADADO—

I move that we bring Resolution #2 regarding the Mayor's Veto — Personnel Moratorium forward at this time.

Carried.

Councilmember Adado spoke regarding the resolution.

Councilmember Worthington spoke urging members to not vote for this resolution but to consider the one from the Mayor under suspension of the rules.

BY COMMITTEE OF THE WHOLE

RESOLUTION #0259

Resolved by the City Council of the City of Lansing:

Whereas, on June 9, 1986, this City Council adopted a City policy setting forth requirements for City departments and agencies to delay hiring of personnel for full-time regular positions until specified time periods had elapsed, with such policy to be effective on July 1, 1986; and

Whereas, the Mayor placed his veto on said policy within the time limit set by the City Charter; and

Whereas, the City Council has considered the issues raised by the Mayor in his veto message, but continues to see merit in implementation of the June 9, 1986, policy;

Now, Therefore, Be It Resolved the Lansing City Council hereby overrides the Mayor's veto and reaffirms the policy set forth in the June 9, 1986, resolution on delays in hiring of full-time regular personnel.

Adopted by the following vote:

Yeas—Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann and Schmidt—7.

Nays—Councilman Worthington—1.

Resolved by the City Council of the City of Lansing:

Whereas; the City Council believes that significant savings may be realized during fiscal year 1986-87 through adoption and implementation of a formal personnel moratorium policy;

Now, Therefore, Be It Resolved; The Lansing City Council hereby establishes the following Personnel Moratorium policies for all City of Lansing department and agencies, to be effective July 1, 1986.

1. Vacancies in authorized and funded position within the Police Department, Fire Department, elected official departments, and positions within bargaining units required to be filled by union contracts, shall be held open for a minimum of 30 days following payroll clearance of the previous incumbent.

2. Vacancies in authorized and funded positions within the Public Service Department, Building Safety Division, and Parks and Recreation Department shall be held open for a minimum of 90 days following payroll clearance of the previous incumbent.

3. Vacancies in authorized and funded positions within all other City departments and agencies not named above, excluding the Board of Water and Light, Lansing Housing Commission, and District Court, shall be held open for a minimum of 120 days following payroll clearance of the previous incumbent.

4. Critically-needed positions within the Administration as determined by the Mayor shall be excluded from the Personnel Moratorium, provided the Mayor reports to the City Council within seven working days the filling of any positions deemed critical.

5. Operational details of the Personnel Moratorium may be decided by the Mayor to remain within bargaining unit contractual restrictions and to provide the seasonal and contract employee work force used by the City for its seasonal activities.

Councilmember Belen was excused from the session for another commitment.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Rick Kibbey spoke regarding Communication and Petition #4 on the agenda for construction of a parking ramp at Holmes/Michigan Ave. area.

A spokesperson for Sparrow Hospital spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Driver—Lawrence D. Murphy, Daniel M. Johnson, Terry I. Pettis.

Mechanical Amusement Device—Pinball Pete's

Auctioneer—Benjamin Glardon

Peddler—Robert Craven

Sign Erector—Townsend Neon, Inc., Annis Sign Co. Toyko Hana—Adding space to their restaurant.

Referred to the Committee on General Services

Councilmember Worthington left the meeting.

Claims filed by:

a. John P. Phillips, 2677 Gilbert Rd., for damages to property located at 714 Johnson Ave., by Police Officers.

b. Kenneth Woods, 10045 Blackberry Lane, for reimbursement of eyeglass frames broken while in Police Defensive Tactics Training.

c. Brian Watson, 1545 Ohio Ave., for truck damaged due to warning lights malfunctioning on Pennsylvania Ave. railroad underpass.

d. Marie J. Belding, 3509 Macon Avenue, for reim-

bursement of injuries received in a fall on a city sidewalk.

Referred to the City Attorney

Petitions filed for rezoning Z-18-86—621 Seymour Street described as, the South ½ of the East 73½ feet of Lot 1, Block 62, Original Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 7, Page 593 to be rezoned from "DM-4" Residential District to "D-1" Professional Office District filed by C & Z Properties.

Referred to the Mayor and Planning Board

Eastside Neighborhood Organization and Sparrow Hospital regarding construction of parking ramp at Holmes/Michigan Ave. area.

Referred to the Mayor

Community Circle Players submits letter seeking assistance in obtaining a portion of Outstate Equity Funds for renovation of the Riverwalk Theatre.

Referred to the Mayor.

Michigan Department of Natural Resources submits letter regarding Great Lakes Toxic Substances Control Agreement.

Received and placed on file

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA:

Mayor's letter 3d (Reappointment of Cleo Cipicchio—Public Service Board), 3j (Extension of Residency Requirement—Russell H. Galvin, City Assessor and 3m (Planning Board Meeting Change).

Councilmember Worthington returned to the meeting.

The Committee on General Services approves the following licenses and bonds:

Public Driver—Lawrence D. Murphy, Daniel M. Johnson, Terry I. Pettis

Mechanical Amusement Device—Pinball Pete's

Auctioneer—Benjamin Glardon

Peddler—Robert Craven

Sign Erector—Townsend Neon, Inc., Annis sign Co.

Toyko Hana—Adding space to their restaurant

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

REPORT OF COMMITTEE

The Committee on General Services—

To whom was referred the ORDINANCE amending Chapter 4, Section 4-10 to modify the requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned or controlled areas.

reports as follows: that said ordinance be approved.

SIGNED:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Yeas—Councilmen Adado, Benavides, Creamer, and Worthington—5.

Nays—Councilmen Blair and Schmidt—2.

REPORTS OF CITY OFFICERS AND BOARDS

Councilmember Lindemann returned to the meeting.

June 17, 1986

President Benavides and Members of
Lansing City Council

Re: Council Claim of Thomas G. Newhouse

Dear President Benavides and Members of
City Council:

On January 8, 1986, Thomas G. Newhouse, 13056 Sycamore Drive, DeWitt, Michigan, filed a claim for \$78.25 damages to his vehicle allegedly caused on January 7, 1986 by a teetering manhole cover on North Logan Street between Grand River Avenue and Grand River bridge.

The City Engineer investigated this claim and reported no prior complaints were received regarding this manhole cover. Claimant's report was received at 7:25 a.m. on January 7, 1986. The manhole cover was immediately replaced in its proper position at 7:45 a.m.

MCLA 691.1403 reads as follows:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency *knew*, or in the exercise of reasonable diligence should have known, of the

existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place." (emphasis added)

The facts show that the City was not aware of the defect prior to this complaint. Accordingly, it is recommended that this claim be denied.

Respectfully Submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

June 19, 1986

President Benavides and Members of the
Lansing City Council

Re: Claim of Robert Myers in the amount of
\$160.39

Dear President Benavides and Members of
The Lansing City Council:

Please be advised that the claim of Robert Myers for damage to five sprinkler heads at his property at 322 McPherson Avenue as a result of being struck by a City of Lansing snow-plow in the amount of \$160.39 has been referred to Auto Owners Insurance for payment as this is one of the risks covered in the City's policy.

Respectfully Submitted,

STEPHEN R. SAWYER
City Attorney

Received and placed on file

June 18, 1986

President Benavides and Members of the
Lansing City Council

Re: Claim of Brittany L. Nay in the Amount of
\$250.00

Dear President Benavides and Members of
Lansing City Council:

Claimant requests reimbursement of an insurance deductible of \$250 paid by claimant's father, owner of the vehicle, driven by claimant, arising from an automobile accident between claimant and another vehicle at the intersection of Saginaw and North Larch Streets. The accident is alleged to have been the direct result of a malfunctioning traffic signal at that intersection.

Investigation of the claim reveals that the traffic light is serviced for the State of Michigan by contract between the State and the Board of Water & Light. This claim and background material gathered by this office has been referred to the Board of Water and Light for analysis and resolution.

Respectfully Submitted,

STEPHEN R. SAWYER
City Attorney

Received and placed on file

THE LANSING FIRE DEPARTMENT SUBMITS 1985 ANNUAL REPORT

Received and placed on file

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: ACT-32-86, 200 Block North Washington Sq.
R & A Development Co.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and
Properties

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: ACT-21-86, Vacate Right-Of-Way, Larch St.
South of Frederick

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and
Properties

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: Z-14-86, 5426 South Cedar St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and

then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Physical Development

June 19, 1986

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and City
Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Cleo Cipicchio to the Public Service Board. The term will expire in June, 1990.

I trust you will give careful consideration to the reappointment of Cleo Cipicchio to this important Board.

Best personal regards,

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and reappoint Cleo Cipicchio to the Public Service Board.

Carried.

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Chief Holliday—LFD

RE: Request for Changes on Fire Trucks

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Ways and Means

DATE: 6/18/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Municipal Public Safety Consortium—Pending
Legislation for Public Safety Funds

The attached material is submitted with my concur-

rence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Ways and Means

DATE: 6/18/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Building Safety Division

RE: Request for Public Hearings:

1200 Pulaski
811 Chestnut
214 S. Hosmer
1630 N. High

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on General Services

Councilmember Creamer left the meeting.

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Building Safety Division

RE: Trash Assessment U-31 for Dec. 1986 Tax Roll
(\$2,125.72)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the trash assessment in the amount of \$2,125.72 be placed on the December 1986 Tax Roll U-31.

Carried.

DATE: 6/18/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Public Service Director

RE: Trash in R.O.W. Removal Assessments for
December, 1986 (V-13)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE
Mayor

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessments in the amount of \$990.00 be placed on the December 1986 V-13 tax roll.

Carried.

DATE: 6/18/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director

RE: Extension of Residency Requirement — Russell
H. Galvin, City Assessor

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE
Mayor

Referred to the Committee on General Services

DATE: 6/18/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: 309 E. Hillsdale (Acquisition of property)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE
Mayor

Referred to the Committee on Physical Development

DATE: 6/18/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Planning & Municipal Devel. Dept.

RE: Park Property Needed for Right-of-Way for
Phase I of Edgewood Blvd.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE
Mayor

Referred to the Committee on Physical Development and Committee on Public Safety and Properties

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Lansing Planning Board

RE: Planning Board Meeting Change

The attached correspondence is being submitted for your information.

TERRY J. McKANE
Mayor

Received and placed on file

Councilmember Creamer returned to the meeting.

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Director of Parks & Recreation

RE: Application by the Liederkrantz
and Gaelic League to sell beer during
the 1986 Ethnic Festival, July 4-6, 1986

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE
Mayor

By COUNCILMEMBER BLAIR—

That we concur in the recommendation of the Mayor and approve these applications for the Ethnic Festival, July 4-6, 1986.

Carried.

DATE: 6/19/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Director

RE: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Ways and Means

BY THE COMMITTEE ON GENERAL SERVICES

RESOLUTION #0260

Michigan Department of Commerce Liquor Control Commission

RESOLUTION

At a regular meeting of the Lansing City Council called to order by President Benavides on June 23, 1986 at 7:00 P.M. the following resolution was offered:

Moved by COUNCILMEMBER WORTHINGTON and supported by COUNCILMEMBER SCHMIDT That the request from Greater Lansing Convention/Exhibition Authority for a Civic Center License for the Lansing Exhibition Center.

Address: 300 Block of East Michigan Avenue
Lansing, Michigan 48933

be considered for Approval.

Approval—Yeas: 7
Nays: 0
Absent: 1

It is the consensus of this legislative body that the application be recommended for issuance.

State of Michigan)
County of Ingham) SS

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the Lansing City Council at a regular meeting held on the June 23, 1986.

RITA M. BAUMAN
City Clerk

Adopted by the following vote:
Unanimously.

BY THE COMMITTEE ON GENERAL SERVICES

RESOLUTION #0261

Resolved by the City Council of the City of Lansing:

Whereas, Richard Allen Benson has submitted an application for license as a public driver; and

Whereas, the Office of the Chief of Police has reviewed the application and recommended disapproval in accordance with the provisions of Section

30-5 (1) (h) of the City Code; and

Whereas, the Committee on General Services has examined the report from the Assistant Chief of Police and concurs with the recommendation to disapprove the application;

Now, Therefore, Be It Resolved the Lansing City Council hereby disapproves the application of Richard Allen Benson for license as a public driver; and

Be It Further Resolved upon adoption of this resolution the City Clerk shall notify the applicant of said disapproval and advise him of his right to a hearing under the provisions of Section 30-5 of the City Code.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER SCHMIDT—

RESOLUTION #0262

Resolved by the City Council of the City of Lansing:

Whereas, ACA HEAVENS ANDERSON and SOPHIA MARIA ANDERSON will celebrate their 50th Wedding Anniversary on July 3, 1986; and

Whereas, ACA and SOPHIA met in Brighton, were married on July 3, 1936, and soon after moved to Lansing where they have resided on Willard Avenue ever since; and

Whereas, ACA retired from his career as a City employee in 1976, and Sophia retired from her position with Michigan State University in 1978; and

Whereas, ACA and SOPHIA take great pride in their two children and six grandchildren.

Now, Therefore, Be It Resolved the Lansing City Council hereby expresses warm wishes and best regards to ACA and SOPHIA ANDERSON on the occasion of their 50th Wedding Anniversary, with hopes of many more to come.

Adopted by the following vote:

Unanimously.

BY WAYS AND MEANS COMMITTEE

RESOLUTION #0263

Resolved by the City Council of the City of Lansing:

FISCAL YEAR 1986 That the following transfers be approved:

\$2,000.00 from Law-Salaries & Longevity
A/C 101-210-000-702

2,000.00 to Law-Library (Increased costs for subscriptions
A/C 101-210-000-980

\$8,500.00 from LPD; Uniform Salaries
A/C 101-316-000-702

8,500.00 to LPD: Admin. Misc./Op. Exp. (Cost & volume variances for Transportation (\$4,000); Investigations (\$2,600); Ingham County Subpoena Costs (\$1,900)
A/C 101-305-000-741

\$1,419.00 from Police; Personnel & Training

Misc. & Oper. Expenses

A/C 101-307-320-741

1,419.00 to Police; Personnel & Training Equipment
(Replacement of old typewriter necessary due to
age and extensive repair cost.)

A/C 101-307-320-977

\$600.00 from Public Service-Transportation Salaries
& Longevity

A/C 101-437-000-702

600.00 to Public Service-Transportation Operating
Supplies (Higher than anticipated May office
services mailing due to neighborhood mailing
regarding parking regulation changes around
B—O—C.)

A/C 101-437-000-740

\$650.00 from Pub. Serv.-Oper. & Maint. Adm.
Equip.

A/C 101-442-000-977

650.00 to Pub. Serv. Oper. & Maint. Adm Operating
Supplies (Purchase of surplus items from Federal
Surplus, including chairs, tables, file & desks.)

A/C 101-422-000-740

\$16,700.00 from Pub. Service O. & M. Storm Water
Maint. Equipment Rental

A/C 101-445-018-943

12,000.00 to Pub. Serv. O. & M. Flood Control
Wages (Unanticipated flooding due to major
storm, June 10, which necessitated barricading,
sandbagging, etc.)

A/C 101-445-017-706

2,000.00 to Pub. Serv. O. & M. Flood Control
Equipment Rental (Equipment usage resulting
from flood control operations due to
June 10 storm.)

A/C 101-445-017-943

2,700.00 to Pub. Serv. O. & M. Flood Control
Utilities (Estimated utility usage for operation of
flood control pumps due to flooding.)

A/C 101-455-017-920

\$90,000.00 from General Fund-Estimated Revenues

A/C 101-000-000-160

90,000.00 to Pub. Service General Fund Garbage
Collection Subsidy (Estimated subsidy re-
quired to fund landfill costs and offset
estimated bag revenue shortfall. Includes
\$9,300 for marketing.)

A/C 101-528-000-969

\$5,200.00 from Adm. Div. Oak Park Garage Wages-
Hrly.

A/C 101-693-000-706

5,200.00 to Parks & Rec. Admin. Div. Admin. —
Equipment (Purchase of a tire machine
(\$3,500)
to eliminate outside work for mounting tires, &
purchase of a wire feed welder (\$1,700) for
repair of Parks equipment. Both units for Oak
Park Garage.)

A/C 101-692-000-977

\$35.00 from Estimated Revenues

A/C 101-000-000-160

35.00 to Miscellaneous Community Beautification
Match (Donation to plant pine trees in Reutter
Park, in memory of Lucille Porter.)

A/C 101-941-000-964

\$180,000.00 from Public Serv. Act 51 Estimated
Revenues

A/C 202-000-000-160

180,000.00 to Pub. Serv. Act 51 Major Trunkline
Maintenance (to appropriate funding received
from M.D.O.T. for additional work authoriza-
tions from July to September 1985.)

A/C 202-486-103-936

\$9,000.00 from Cemetery Fund Retained Earnings

A/C 516-000-000-395

9,000.00 to Parks Cemetery Fund Admin. Fringe
Benefits (\$7,500 due to change in Controller's
actual fringe benefit rate; \$1,500 attributable
to salary position reclassifications.)

A/C 516-536-000-715

\$400.00 from Pub. Serv. Parking System Fund

Garage #4 Utilities

A/C 585-571-454-920

400.00 to Pub. Service Parking System Fund
Garage #4-Supplies (Higher-than-anticipated
supply purchases.)

A/C 585-571-454-740

\$1,500.00 from Pub. Serv. Parking System Fund

Garage #2-Utilities

A/C 585-571-452-920

1,500.00 to Pub. Serv. Parking System Fund
Garage #2-Supplies. (Failure rate of control
cards necessitated complete replacement.)

A/C 585-571-452-740

\$4,600.00 from Pub. Serv. Refuse-Refuse Bags

A/C 596-550-000-755

2,100.00 to Pub. Serv. Refuse Overtime-Hrly. (Ad-
ditional overtime needed due to double pick-
up for Memorial Day holiday and increase in
bulk pick-up.)

A/C 596-550-000-709

2,500.00 to Pub. Serv. Refuse Sick Leave (Sick
Leave utilization exceeding midyear estimate.)

A/C 596-550-000-711

\$9,300.00 from Pub. Serv.-Refuse Estimated Re-
venues

A/C 596-000-000-160

9,300.00 to Pub. Serv.-Refuse Professional
Service. (New) (Provide funding for contrac-
tual services for marketing the City's refuse
program.)

A/C 596-550-000-801

\$38,000.00 from Pub. Serv. Refuse Estimated
Revenues

A/C 596-000-000-160

\$38,000.00 to Pub. Serv. Refuse-Landfill Fees
(Higher than estimated landfill charges at-
tributed to increase in bulk items and orange
bag pick-up.)

A/C 596-550-000-929

\$22,240.00 from Pub. Serv. Serv. Garage Wages-
Hrly.

A/C 640-536-000-706

15,000.00 from Pub. Serv. Serv. Garage Fringe
Ben.

A/C 640-536-000-715

43,680.00 from Pub. Serv. Serv. Gar. Professional
Serv.

A/C 640-536-000-801

80,920.00 to Pub. Serv. Service Garage Equipment
Maintenance (Anticipated shortfall attributed
to reduction in preventative maintenance
activities due to vacant positions and efforts to
repair snow removal equipment.)

A/C 640-960-000-933

\$7,000.00 from District Court-Salaries

A/C 760-136-000-702

7,000.00 to District Court Professional Serv.
(Additional outside legal costs Re: Jones case
and also for wage reopener negotiations.)

A/C 760-136-000-801

Recommended by:

JAN LAZAR
Budget Director

I hereby certify that this is a properly
drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
Ways and Means Committee

Adopted by the following vote:

Unanimously.

BY WAYS AND MEANS COMMITTEE

RESOLUTION #0264

Resolved by the City Council of the City of Lansing:

FISCAL YEAR 1987

That the following transfers be approved:

\$30,000.00 from Admin. Services Central Garage
Repair Parts - Fire

A/C 101-222-212-781

30,000.00 to Fire-Suppression Equipment
(Funding for purchase of new manpower rig
due to higher than anticipated refurbishing
costs.)

A/C 101-339-000-977

FOP Supervisors Contract

Be It Further Resolved that the Budget Office be
authorized to administratively transfer \$97,378.00 in
the FY 86-87 Budget from the General Fund Con-
tingency fund to the appropriate police salary ac-
counts and to the appropriate fringe benefit accounts;
and

Be It Further Resolved that moratorium salary and
wage savings equalling \$97,378.00 from the Police
Department be administratively transferred back into
the FY-86-87 General Fund Contingency Fund to
replenish the Contingency Fund and the Budget Office
be authorized and required to administratively
transfer such funds and that should sufficient
residuals not be generated to replenish the Contingen-
cy Fund, the Administration shall report back to Ways
and Means Committee.

Recommended by:

JAN LAZAR
Budget Director

I hereby certify that this is a properly
drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
Ways and Means Committee

Adopted by the following vote:

Unanimously.

RESOLUTION #0265

Resolved by the City Council of the City of Lansing:

That the following accounts shall have the remain-
ing balance at year end FY 85-86 carried forward in
the same amounts unless otherwise specified:

Administrative Services

101-265-000-931
Project Maintenance \$61,800.00

Public Service

585-571-451-931.01
Major Maintenance - Unexpended
Ramp 1 balance

585-571-452-931.01
Major Maintenance - Unexpended
Ramp 2 balance

585-571-453-931.01
Major Maintenance - Unexpended
Ramp 3 balance

585-571-454-931.01
Major Maintenance - Unexpended
Ramp 4 balance

Refuse Fund

596-550-000-801
Professional Services (Marketing) \$9,300.00

Parks and Recreation

101-719-000-920
Potter Park Utilities carry forward into
101-936-414-971.5 Boat Launch \$8,311.74

Human Resources

101-915-000-957
Community Beautification Unexpended
Balance

Fire

101-222-212-781
Central Garage-Fire Repair Parts \$104,570.00

101-339-000-943
Fire Suppression-Equipment Rental 45,000.00
Carry Forward into:

101-339-000-977
Fire Suppression Equipment \$149,570.00

Signed:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
Committee on Ways and Means

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER WORTHINGTON—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by: Revising Chapter 4, Section 4-10 to modify the requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned or controlled areas and recommended that the ordinance be passed.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Chapter 4, Section 4-10 to modify the requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned or controlled areas be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Adopted by the following vote:

Yeas—Councilmen Adado, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

Nays—Councilman Blair—1.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by REVISING Chapter 4, Section 4-10 to modify requirements with regard to liability insurance and location for the sale and consumption of alcoholic beverages in certain city owned or controlled areas.

be now passed.

By COUNCILMAN WORTHINGTON—

That the ordinance be amended as follows:

On page 3 - line 26 delete the word "or"
line 27 delete the word "other"

On page 3 - line 26 correct the spelling of the word "Beer"

On page 4 - line 7 - place a period (.) after the word "Wine" and delete the words "OR OTHER ALCOHOLIC BEVERAGES"

Adopted by the following vote:

Yeas—Councilmen Adado, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

Nays—Councilman Blair—1.

By COUNCILMAN WORTHINGTON—

That the ordinance be further amended as follows:

Page 2 - line 12 after "Scott Gardens" place a comma (,) and delete the word "OR" after the words "COOLEY GARDENS" place a comma (,) and add the words "And Cooley Hayes Property",

Line 13 - after "Scott Gardens" place a comma (,) and delete the word "OR".

Line 14 - after the word "GARDENS" place a comma (,) and add the words "AND COOLEY HAYES PROPERTY".

Page 4 - line 2 after "Dodge Mansion" place a comma (,) and delete the word "OR" after "SCOTT PARK" place a comma (,) and delete the word "OR" after the word "COOLEY GARDENS" place a comma (,) and add "AND COOLEY HAYES PROPERTY".

Adopted by the following vote:

Yeas—Councilmen Adado, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

Nays—Councilman Blair—1.

The ordinance as amended was

Adopted by the following vote:

Yeas—Councilmen Adado, Benavides, Creamer, Lindemann and Worthington—5.

Nays—Councilmen Blair and Schmidt—2.

ORDINANCE NO. 716

AN ORDINANCE TO AMEND SECTION 4-10 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING TO MODIFY REQUIREMENTS WITH REGARD TO LIABILITY INSURANCE AND LOCATION FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN CITY OWNED OR CONTROLLED AREAS.

The City of Lansing Ordains:

Section 1. Section 4-10 of Chapter 4 of the Code of Ordinances of the City of Lansing is amended to read as follows:

Sec. 4-10. *Consumption in public places, private parking areas, prohibitions and exceptions.*

(a) (1) It shall be unlawful for any person to sell, consume or possess in an open container alcoholic beverages in the public streets, parks, alleys, sidewalks, city-owned parking facilities or the Turner-Dodge Mansion, except as provided in this section.

(2) It shall be unlawful for any person to sell, consume or possess in an open container alcoholic beverages in a private parking lot or facility, including but not limited to, shopping center parking lots or parking areas adjacent to commercial establishments which are utilized by patrons of the commercial establishment, unless such person has in his or her possession, in writing, the express permission or consent of the owner or lessee or the lawful agent of the owner or lessee of said lot or facility. This subsection shall not apply to any event sponsored or authorized in writing by the owner or lessee of such premises.

(b) Beer or wine may be sold for consumption in the Riverfront Park if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the city council approves the license application prior to the issuance of the license. Approval by the City Council shall be obtained only if the

license is to be utilized in conjunction with a city-approved cultural, ethnic or community activity open to the public and if the requisites set forth in subsections (G), (H) and (I) of this section are met.

(c) Beer or wine may be sold for consumption at Municipal Baseball Field or Ranney Softball Field if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the City Council approves the license application prior to the issuance of the license. Approval by city council shall be obtained only if the license is to be used in conjunction with city approved district, state, regional or national adult athletic tournaments, and if the requisites set forth in subsection (G), (H) and (I) of this section are met.

(d) Beer or wine may be sold for consumption within the GROUNDS OF THE Turner Dodge Mansion, SCOTT GARDENS OR COOLEY GARDENS OR MAY BE CONSUMED WITHIN THE GROUNDS OF THE TURNER-DODGE MANSION, SCOTT GARDEN OR COOLEY GARDENS provided, that all permits as required by the parks department have been obtained, a special license, if applicable, has been obtained from the Michigan Liquor Control Commission and if the requisites set forth in subsections (G), (H) and (I) are met. Rental fees for the Turner Dodge Mansion OR FOR EVENTS AT THE SCOTT GARDENS OR COOLEY GARDENS shall be set by city council resolution. Use of the Turner Dodge Mansion OR SCOTT GARDENS OR COOLEY GARDENS in conjunction with the sale of beer or wine for consumption shall not be necessarily limited to public or city council approved events, but may also include private events.

(e) BEER OR WINE MAY BE SOLD OR CONSUMED WITHIN THE GROUNDS OF GROESBECK GOLF COURSE PROVIDED THAT, IF SOLD, A LICENSE FOR SUCH SALE HAS BEEN OBTAINED FROM THE MICHIGAN LIQUOR CONTROL COMMISSION AND FURTHER PROVIDED THAT ANY SUCH CONSUMPTION OR SALE SHALL BE CONTINGENT UPON APPROVAL BY THE PARKS DEPARTMENT AND SUBJECT TO SUCH RULES OR RESTRICTIONS AS THE PARKS DEPARTMENT MAY ESTABLISH.

(F) Beer and wine may be sold for consumption within the streets, alleys, sidewalks and public places within the boundaries of the Downtown Mall and Environs, as defined in section 24A-1 of this Code, provided the following conditions are satisfied:

(1) The request has been approved by the mayor after the mayor has received recommendations from the mall advisory board and from any other city department the mayor may desire;

(2) The individual, group or organization making the application obtains a special license for such sale and consumption from the Michigan Liquor Control Commission;

(3) The individual, group or organization has complied with subsections (G), (H), (I) and (J) of this section;

(4) Any other conditions which the mayor may require.

(G) The city clerk shall provide a form on which the

applicant shall provide the following information:

Name and address of the applicant; name of the organization, if applicable; type of event; estimated number of persons attending; the name of the insurance company, if applicable, from which the necessary public liability policy will be or has been obtained; proof that the proper rental fee has been paid, if applicable; and the security measures which the applicant proposes to utilize.

Upon the applicant's payment of the ten dollar (\$10.00) application fee, the city clerk shall forward a completed application form to the city police and the city parks department for their review.

(H) Whenever a special license for the sale of beer, wine OR OTHER alcoholic beverages for consumption in Riverfront Park, Municipal Baseball Field, Ranney Softball Field, WITHIN THE DOWNTOWN MALL AND ENVIRONS OR WITHIN THE GROUNDS OF THE TURNER DODGE MANSION OR SCOTT PARK OR COOLEY GARDENS is required, the applicant shall file with the City Clerk proof of a PERSONAL INJURY and property damage insurance policy insuring the applicant and against any liability imposed on such applicant and/or the City of Lansing arising out of the sale of beer or wine OR OTHER ALCOHOLIC BEVERAGES. Such policy shall provide for no less than payment of up to THREE hundred thousand dollars (\$300,000.00) in the event of injury to, or death to, one person OR MORE THAN ONE PERSON; and for the payment of no less than one hundred thousand dollars (\$100,000.00) for property damage. Such policy shall have a provision to the effect that the insurance company shall notify the city clerk at least ten (10) days prior to the expiration of such policy. PROVIDED, HOWEVER, THAT THIS REQUIREMENT MAY BE WAIVED OR THE AMOUNTS OF SUCH REQUIRED INSURANCE REDUCED BY RESOLUTION OF THE LANSING CITY COUNCIL FINDING THAT SUCH A REDUCTION OR WAIVER IS IN THE PUBLIC INTEREST.

(I) The applicant shall be solely responsible for providing adequate security, in the form of adequate personnel and fencing, as determined by the city parks department. Approval by the city parks department of the applicant's plan for security shall be obtained prior to any application being approved or any event being scheduled.

(J) It shall be unlawful for any person or authorized agent to sell beer or wine for consumption in Riverfront Park, Municipal Baseball Field or Ranney Softball Field, in any container other than paper or plastic. It shall be unlawful for any person or authorized agent to sell or dispense beer or wine for consumption within the Turner Dodge Mansion, in any container other than paper or plastic, unless prior written permission has been received from the city parks department.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried;

Letter from Mrs. Ben Leyrer, 1622 Lindbergh Dr., thanking Council Members for the resolution presented in memory of her husband.

Received and placed on file.

Letter from Debi Estfan, 2124 Roberts Lanes, concerning stop signs at corner of Roberts Lane and Riley St. being too high to see properly.

Referred to the Committee on Public Safety and Properties

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

that Councilmember Belen be excused from the session as of 8:00 to 8:15 p.m. when she left.

Carried.

REMARKS BY THE MAYOR

Announced partial and full street closings for the week.

REMARKS BY THE CITY COUNCIL

Councilmember commented on the selection of the official song for Lansing being selected.

Councilmember Worthington remarked on the V.F.W. Parade held Saturday in Downtown Lansing.

Councilmember Blair pointed out the letter to editor of the State Journal regarding sidewalk at the Waverly Rd. Bridge would be in the jurisdiction of the Lansing Twp. government.

Councilmember Schmidt remarked on the V.F.W. Convention and the new Federal Court to be in Lansing.

Councilmember Creamer asked Mayor to check in-to grass needing to be mowed at the southeast corner of Chestnut and Kilborn.

Lester Hansens, 3135 No. Grand River Ave. spoke regarding council members not being present for comments by citizens and for leaving the meeting.

David A. Welch, 1122 Hammond St., asked if restaurants and gas stations had to have restrooms available to the public at their place of business.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:25 P.M.

RITA M. BAUMAN
City Clerk

June 23, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

377

Proceedings, June 30, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

June 30, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Schmidt, Worthington—7.

Absent: Councilman Lindemann—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer.

Pledge of Allegiance.

Council President Benavides introduced Jim Hough, The Onlooker Columnist, of the Lansing State Journal. Mr. Hough spoke and played tapes of the finalists of the Lansing Song Contest recently held. Each person was presented with a framed resolution in their honor—those introduced were:

Kay L. Rinker, First Place, who sang her song and played the guitar.

Greg Pillsbury, 318 Rouse St. — Second Place

Steven Scarborough, 2360 S. Washington Ave.—Third Place

Marilyn Denise Brown, East Lansing, MI.—Fourth Place

Jim and Pam Pitchford, 336 S. Alger St.,—Fifth Place

Resolved by the City Council of the City of Lansing

Whereas, Jim Hough, 'THE ONLOOKER' columnist of the Lansing State Journal, launched a contest to find a theme song for Lansing; and

Whereas, Jim assembled a panel of judges, including Ken Beachler, John Dale Smith, Ken Glickman, Jane Aldrich, Allan Gibbs and Rich Michaels, to hear the entries from 50-plus contestants; and

Whereas, the entry written and performed by KAY L. RINKER was declared the winner; and

Whereas, KAY RINKER has lived in Lansing most

of her life while pursuing music as a hobby and working full-time as Head Teller at the East Michigan/Fairview Branch of First of America Bank; and

Whereas, KAY's song evokes a personal pride in all who believe that Lansing was, is, and always shall be their home town;

Now, Therefore, Be It Resolved the Lansing City Council sitting in regular session this 30th day of June, 1986, hereby recognizes and expresses warmest appreciation to KAY L. RINKER for writing The Lansing Song.

TONY BENAVIDES
ALFRIDA SCHMIDT
LOUIS F. ADADO
LUCILE BELEN
CHARLES CREAMER
SIDNEY P. WORTHINGTON

Adopted by the following vote:

Unanimously.

Judy Gardi, Vice-President of the Community Service and Referral Center presented an update and progress report on the results of the Energy Bank and Energy Closet which operates in the winter. A copy of the 1985-86 season report is on file in the City Clerk's Office.

PUBLIC HEARING

June 30, 1986 at 7:00 O'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Washington Mall Maintenance Contract in regard to setting of boundaries of special assessment district, estimated cost of the special assessment and the proportion of the amount to be assessed.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Washington Mall Maintenance Contract they would have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Public Safety and Properties

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING

ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

The City Clerk announced that City Attorney letters 1c and 1e and Resolution 2i had been pulled from the agenda.

Diane Wray, representing Cherry Hill Neighborhood Organization, spoke on Resolution #5 -property acquisition at 309 E. Hillsdale St.

Ida Ann Reid spoke regarding City Attorney letter 1e for a claim she had submitted, but which had been pulled from the agenda.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been referred for licenses:

Public Drivers—Bradley Astalos, David W. Abood, Duane D. Dietrich, Janelle E. Hall.
Peddler—Thomas Campbell.

Referred to the Committee on General Services

Suit filed in 30th Judicial Circuit Court by Derwood L. Root d/b/a Dagwood's Tavern and Grill v City of Lansing for damages to property, loss of income, and illegal storage of construction equipment during summer and fall of 1985 for Wastewater System Improvement project.

Referred to the City Attorney

Notice of Suits filed in Michigan Tax Tribunal cases:

a. Plaza One Partners v City of Lansing for property at 401 S. Washington Sq.

b. Jacobson Stewart Lansing Properties Partnership v City of Lansing for property located at 920-940 Long Boulevard.

c. Jacobson Stewart Lansing Properties Partnership v City of Lansing for property located at 1000-1020 Long Blvd.

d. Beurmann Marshall Corp. v City of Lansing for property located at 5840 Enterprise Dr.

Referred to the City Attorney

Claims filed by:

a. John Wayne Livernois for paint-chip damages to automobile from sandblasting on the overhead crosswalk on So. Logan St.

b. Mrs. Christie Salazar, 722 Orchard Glen, for damages due to sewer backup during storm of June 11, 1986.

Referred to the City Attorney

Petition filed for rezoning Z-19-86—1107, 1109, 1115 N. Seymour St., described as, the East 8 rods of Lot 5, except the South 3 feet 6 inches of the East 6

rods, Block 36, Original Plat, City of Lansing, Ingham County, Michigan, to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District filed by Harry and Asenath Taylor.

Referred to the Mayor and Planning Board

Thank you letters received from:

a. Rev. Francis Martin, Retiring Pastor of Church of the Resurrection for recent Council Resolution.

b. Colonial Village/Logan Sq. Neighborhood Association for help regarding proposed Holly Park.

Received and placed on file.

Application for Transfer of Commercial Facilities Exemption Certificate from B.F. Goodrich, 405 S. Grand Ave. to Martin Investment Properties, Inc.

Referred to the Committee on Economic Development

Michigan Liquor Control Commission submits request from C.J. Barrymore of Lansing, Inc. for transfer ownership of 1986 Class C license with Dance Permit located at 6810 S. Cedar St. from Long Development, Inc. and request for new Entertainment Permit in conjunction with license.

Referred to the City Clerk

Additional petitions filed to deny rezoning request Z-7-86, 1903 Wood/1804 David St.

Referred to the Committee on Physical Development

Logan Square Merchants Association requests additional nightly patrols by police for Logan Square Shopping Center.

Referred to the Mayor

Copy of letter from State of Michigan Engineering-Water Management Division regarding Tammany Hills II Condominiums.

Referred to the Mayor.

Michigan Public Service Commission submits notice of hearing in the matter of the application of Consumers Power Co. for authority to refund certain pipeline refunds received in April and May, 1986.

Received and placed on file.

MAYOR'S COMMENTS ON ITEMS ON THE AGENDA:

Mayor's letters 4a (Physical Inspections); 4c (ACT-24-86, Pedestrian overpass, Saginaw St. at Oak Park); 4e (Edgewood Blvd.-Condemnation Proceedings) and Resolution #3 (giving immediate effect to Ordinance No. 716—Amending Chapter 4, Section 4-10 adopted by the Council on June 23, 1986.)

REPORT OF COMMITTEES

The Committee on General Services approves the following Licenses and Bonds:

Public Drivers—Bradley Astalos, David W. Abood, Duane D. Dietrich, Janelle E. Hall

Peddler—Thomas Campbell

SIGNED:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By Councilmember—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

**BY THE COMMITTEE ON PUBLIC SAFETY
AND PROPERTIES**

To Whom was Referred the letter from Steven Plavnick regarding traffic flow on North Grand River Avenue west-northwest of Logan Street.

Reports As Follows: Mr. Plavnick's requests for speedy repair and re-opening of the pedestrian skywalk across North Grand River Avenue near the Board of Realtors Building has been accommodated. His additional request for a traffic survey at this location to improve pedestrian safety is hereby referred to the Transportation Division and the Traffic Board for study and recommendations to this Committee.

SIGNED:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties

By COUNCILMAN BLAIR—

That the spelling of "Transportation" in next to the last line be corrected and that the Report of the Committee be Adopted

Carried.

Adopted by the following vote:

Unanimously.

**BY THE COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES**

To Whom was Referred the request from Sion Ministries for City Co-Sponsorship of concerts throughout the summer in City parks.

Reports as Follows: The Committee concurs in the recommendation of the Mayor 1) Not to Co-sponsor any concerts. 2) Permit one concert on a trial basis to be held in Gier Park on a date to be determined based on availability of the park and the showmobile; and 3) Allow the Administration to develop policy recommendations that would encourage safe, non-disruptive

concerts and similar events in City parks.

SIGNED:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties

By COUNCILMAN BLAIR—

That the Report of the Committee be Adopted.

Carried.

Adopted by the following vote:

Unanimously.

**BY THE COMMITTEE ON PUBLIC SAFETY
AND PROPERTIES**

To Whom Was Referred The letter from Debi Estfan regarding traffic running stop signs at the intersection of Roberts Lane and Riley Street.

Reports As Follows: Ms Estfan notes that the stop signs at the intersection are placed high and may be obscured by trees. This letter is hereby referred to the Transportation Division for investigation and a report back to this Committee.

SIGNED:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties

By COUNCILMAN BLAIR—

That the Report of the Committee be Adopted.

Carried.

Adopted by the following vote:

Unanimously.

The Committee on Physical Development

To whom was referred the following rezoning petitions:

a. Z-6-86, 1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District filed by Randall J. Eberbach.

b. Z-8-86—2108 N. East Street to be rezoned from "B" Residential District to "F" Commercial District filed by Richard Wilkins.

c. Z-9-86—925 E. Oakland Ave. to be rezoned from "E-2" Local shop District to "F" Commercial District filed by James Patrick and Scott Taylor.

d. Z-10-86—4516 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial District filed by Ralph J. Spagnuolo.

e. Z-11-86—1121 May Street to be rezoned from "B" Residential and "H" Light Industrial Districts to

"H" Light Industrial District filed by Phillip Branstetter.

June 23, 1986

reports as follows: That said rezoning be approved.

SIGNED:

CHARLES CREAMER
LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

June 26, 1986

President Benavides and Members of
Lansing City Council

Re: Claim of Rhonda Spooner in the
Amount of \$180.60

Dear President Benavides and Members of
Lansing City Council:

On May 5, 1986, City Council received a claim for vehicle damage in the amount of \$180.60 from Rhonda Spooner, 120 South Eighth Street. Claimant states she turned west onto Sellers Street from Clippert Street at about 9:00 p.m. on April 24, 1986, when her 1980 Pontiac Sunbird hit what amounts to a double pothole (a pothole within a pothole). Her tie rods and two tires were irreparably damaged. Claimant provided photographs of the potholes, and submitted two damage estimates, the lower of which was \$180.60. Claimant's insurance has a \$100 deductible limit.

Investigation by the Public Service Department indicates that it was not notified of the potholes on Sellers Street until 9:00 a.m. on April 28. They were filled by 2:00 p.m. on the same day.

Michigan law excuses a municipality from liability for damages caused by defective highways unless it had or should have had knowledge of the defect and had a reasonable time to repair it. MCLA 691.1403.

Based upon the law, and the facts that the City had no prior knowledge of the pothole at the time that claimant's vehicle was damaged and that the City repaired the pothole on the same day it received notice thereof, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

President Benavides and Members of
the Lansing City Council

Re: Claim of Mary Anne Ruskovic in the nature of
\$220 Special Assessment

Dear President Benavides and
Members of City Council:

Claimant requests the removal of a \$220 assessment on her real property at 1006 Shepard, Lansing. The assessment was placed on the tax rolls on or about May 28, 1985 and appeared on the tax bill thereafter.

City investigation of the claim reveals that the assessment on the real property was made pursuant to City Code Section 21-12 because vegetation on said property exceeded twelve (12) inches in height, and the City contracted to have the vegetation removed as abatement of a nuisance. Advance notice of the violation and the action the City would take in the event the violation was not corrected was sent to the property owners shown in the records of the Lansing Assessor's office. There is no indication in the claim letter that the notice was sent to an incorrect party or address. The claimant in fact states that at the times of the notice and assessment, the property was being purchased by Mr. and Mrs. King, the persons to whom the notice was sent.

Claimant states that she "repossessed" 1006 Shepard from the Kings and that thereafter discovered unpaid real property taxes for 1982 through 1985. Claimant has paid the delinquent property taxes, requests cancellation of the assessment lien of the City.

This assessment lien is of the same nature and character as a lien for real property taxes; therefore, the assessment of the City should not be treated differently than the real property taxes.

Based on the above, it is the recommendation of this office that the claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

June 23, 1986

President Benavides and Members of
Lansing City Council

Re: Council Claim of Leon Klingbeil

Dear President Benavides and Members of
City Council:

On March 31, 1986, Leon Klingbeil, 6612 West Price Road, St. Johns, Michigan, filed a claim for damage to his vehicle allegedly due to hitting a pothole on March 18, 1986.

This case was investigated by the Public Service Department which reported that a complaint was

received on March 19, 1986 about a pothole on Rundel at the intersection of Poxson Street. The City had no prior knowledge of this pothole which was promptly repaired on March 19, 1986 at 4:10 p.m.

MCLA 691.1403 provides:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency knew, or in the exercise of reasonable diligence, should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer the injury took place."

Based upon the facts and law as stated above, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

June 26, 1986

Council President Benavides and Members of the Lansing City Council:

Attached herewith are signed copies from all City Departments for approval of the transfer of ownership request from Kraus Corporation (A Michigan Corporation) to transfer ownership of 1985 Class C licensed business from Thomas L. Mitchell located at 501 S. Washington St.

This is being submitted for your approval before being returned to the Michigan Liquor Control Commission.

Most Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services

June 26, 1986

Council President Benavides and Members of the Lansing City Council:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's Office by the Budget Director. (No. 51-63)

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means

June 23, 1986

Mayor Terry J. McKane,
Council President Benavides and
City Council Members

Dear Mayor McKane and Members of the City Council:

As you know, Lansing's Economic Development Corporation Board of Directors and staff have been working toward restoration of the Olds Plaza to its former grandeur and use as a hotel.

Numerous studies have been made to determine the feasibility of converting this facility to a hotel or combination hotel and office building. One critical aspect of these studies is the requirement for adjacent parking, if conversion to all or part of the building is used as a hotel.

From the city's perspective, the additional hotel rooms are needed if we are to reach any level of critical mass of hotel rooms for the downtown to support and enhance the use of our new exhibition/convention hall. Obviously, the more hotel rooms which we can have available, increases the use of the convention facility and reduces whatever subsidy might be required.

Because of the critical nature of parking, we engaged the services of a nationally known parking consultant, the Barton Aschman of Evanston, Illinois, to review parking needs, size of the facility which could be built, and overall financial impact. This was coordinated with the city's parking system manager. Since Barton Aschman had completed a considerable amount of work on earlier studies for Lansing, we also have an overall impact on the parking system for the city. Of critical importance, however, was our instructions to the firm to make this ramp adjacent to the hotel, on a "stand alone" basis.

Our most recent meetings last week with Lyons Savings and Loan, reaffirmed the continued intention to convert the Plaza to hotel rooms. Conversion in the facility includes numerous changes in the building, such as a new dining room, coffee shop, cocktail lounge, restoration of the ballroom, provision of conference facilities, and a substantial increase of meeting rooms. There are obviously many details to review and complete, which must be incorporated into an agreement committing Lyons Savings and Loan and the Developer to complete the project in accordance with plans.

To enable this agreement to be finalized, a joint commitment must be made. The city would agree to complete a parking ramp adjacent to the building, and Lyons would agree to complete the hotel restoration.

Part of the consideration regarding the size and type of restoration, is the available use of tax exempt bonding. To allow construction to go up to \$20,000,000, obtaining and utilization of Urban Development Action Grant Funds is needed. We have already contacted our congressional representatives regarding the availability of those funds. They will assist us in any way possible to obtain such a grant.

In summary, we need to finalize a development agreement with Lyons Savings and Loan, and the Developer for conversion of the facility into a hotel or combination facility. To allow this, the city would proceed with the planning for and commit to the

building of the adjacent parking facility, and that the city would immediately prepare an application for an Urban Development Action Grant. The Economic Development Corporation Board and staff would be glad to be of assistance in all of the above endeavors.

The restoration and development of the Olds Plaza into hotel facilities, is of top priority for this city. The building is directly in front of our State Capitol and is an obvious linchpin for further downtown development. We can ill afford to lose this opportunity to properly utilize this historic facility and convert it back to the hotel grandeur it once was.

Attached is a resolution by the Economic Development Corporation Board, adopted at its June 24, 1986 Special Board Meeting, as well as copies of the parking study by the Barton Aschman Company.

Respectfully submitted,

EDWARD G. VOGT
Chairman of the Board

Referred to the Committee on Economic Development and Committee on Public Safety and Properties

DATE: 6/24/86

TO: Council President Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from the Finance Department

RE: Physical Inspections

The attached correspondence is submitted for your information.

TERRY J. MCKANE
Mayor

Received and placed on file

DATE: 6/25/86

TO: Council President Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Capital Area Transportation Authority

RE: Financial Statements of the Capital Area Transportation Authority

The attached correspondence is submitted for your information.

TERRY J. MCKANE
Mayor

Received and placed on file

DATE: 6/24/86

TO: Council President Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning and Municipal Development Dept.

RE: ACT-24-86, Pedestrian Overpass, Saginaw St. at Oak Park

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties

DATE: 6/26/86

TO: Council President Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning and Municipal Development Dept.

RE: ACT-20-86, South Clemens Street

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties

June 26, 1986

Council President Benavides and City Councilmembers

Dear President Benavides and Councilmembers:

Attached is a resolution which authorizes the City Attorney to commence condemnation proceedings for the property at 6700 Richard Road for the purpose of construction of the Edgewood Boulevard, Phase I.

As you know, negotiations have commenced between the City and the property owners for the purchase by the City of the land necessary to construct Edgewood Boulevard between Cedar Street and Washington Avenue.

This parcel of property requires condemnation because the Title to it is clouded by liens, mortgages and other encumbrances that greatly exceed the fair market value of the property and because the owner cannot provide clear Title to the property for its reasonable value.

Due to the fact that construction of Edgewood Boulevard is scheduled to commence this summer, it is hoped that the resolution will be promptly passed.

If you have any questions, the appropriate staff will be made available to assist you.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee on Physical Development

RESOLUTIONS

Resolution #0267

By the Committee on General Services—

That the request from the Greater Lansing Convention/Exhibition Authority for a liquor license for the Lansing Civic Center, 505 West Allegan Street be approved.

By COUNCILMEMBER BLAIR—

That this resolution be referred back to the Committee on Public Properties and Safety.

Yeas—BLAIR and ADADO

Nays—BELEN, BENAVIDES, CREAMER, SCHMIDT and WORTHINGTON

Motion failed.

The resolution as presented was adopted by the following vote.

Yeas—BELEN, BENAVIDES, CREAMER, SCHMIDT and WORTHINGTON

Nays—BLAIR and ADADO

Absent—LINDEMANN

BY THE COMMITTEE ON GENERAL SERVICES

RESOLUTION #0268

Resolved by the City Council of the City of Lansing

That public hearings be scheduled and announced for July 14, 1986, at 7:00 PM, in the 10th Floor Chambers of City Hall, for the purpose of receiving public comment on the proposed orders to demolish or otherwise make safe vacant and dangerous structures located at:

- a. 1200 Pulaski
- b. 811 N. Chestnut
- c. 214 S. Hosmer
- d. 1630 N. High

Adopted by the following vote:

Unanimously.

RESOLUTION #0269

Resolved by the City Council of the City of Lansing

That the Mayor's request for an extension until January 6, 1987 of the requirement for City Assessor Russell Galvin to establish residency within City limits as specified in Section 2-7 of the City Code is hereby approved.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT IV

RESOLUTION #0270

By Committee on Public Safety & Properties

Resolved by the City Council of the City of Lansing

That the special assessment roll for Mall Maintenance 1986

Assessment Roll No. WM-86

Property Benefited Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on N. Grand Avenue (both sides) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (both sides-exclude Reutter Park) to W. Allegan and on Capitol Avenue (E. side only) N. to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo.

as returned by the City Assessor (as amended by the City Council upon review as follows be and the same is hereby ratified and confirmed, and the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax on or before the 30 day of September 1986.

Mall Assessment	35,542
Side Street	55,622
Total	91,164

Adopted by the following vote:

Unanimously.

BY PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0271

Resolved by the City Council of the City of Lansing

ACT-21-86

N. Larch Street Right-of-way

Whereas, the City of Lansing has been requested to vacate the portion of N. Larch Street extending south of Frederick Street and is unimproved and undeveloped; and

Whereas, the Lansing Planning Board has reviewed the request under the provisions of ACT 285 of Michigan Public Acts of 1931, as amended, and has determined that until such time as a development plan is prepared and land assemblage takes place, the Right-of-way should be retained by the City, and further that the Right-of-way may be required for public utilities and avoiding poor plotting patterns; and

Whereas, the Committee on Public Safety and Properties has reviewed this request and concurs with the findings of the Planning Board; and

Now, Therefore Be It Resolved that the Lansing City Council denies the request to vacate the Larch Street Right-of-way between Frederick and Community Streets.

Adopted by the following vote:

Unanimously.

RESOLUTION #0272

Resolved by the City Council of the City of Lansing

Whereas, a portion of the property commonly known as Kahres Park is required for right-of-way for the construction of Phase I of Edgewood Boulevard; and

Whereas, by resolution adopted by the Lansing City Council on December 10, 1979, and June 22, 1981, policy on the disposal of land unsuitable for park development has been established;

Now, Therefore, Be It Resolved By The City Council Of The City Of Lansing, that the part of Kahres Park legally described as:

Commencing at the Center of Section 9, T3N, R2W, City of Lansing, Ingham County, Michigan; thence S 00° 04' 30" W, along the North-South 1/4 line of said Section 9, 33.00 feet; thence S 89° 54' 08" E, 285.29 feet to the point of beginning of this description: thence S 89° 54' 08" E, 45.82 feet; thence S 00° 04' 30" W, 94.50 feet; thence S 62° 34' 13" W, 394.14 feet; thence N 00° 04' 30" E, 118.38 feet; thence N 62° 34' 13" E, 342.48 feet; to the point of beginning. The above described lands contain 0.94 acres;

be and is hereby transferred from the jurisdiction of the Department of Parks and Recreation to the jurisdiction of the Department of Public Service for use as right-of-way to accommodate the construction of Phase I of Edgewood Boulevard; and

Be It Further Resolved, that \$3,275.00, which is the fair market value of the above legally described property, be transferred from Account 202-453-765-974 to 101-936-416-974, the restricted use Park Acquisition and Development Account.

Adopted by the following vote:

Unanimously.

RESOLUTION #0273

Resolved by the City Council of the City of Lansing

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request for changes in the parking regulations on Allegan Street between Sycamore Street and Pine Street;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the installation of ONE HOUR METERED PARKING 8A.M.-6P.M. in the recessed area on the north side of Allegan Street from 101 feet east of Sycamore Street to 106 feet west of Pine Street for a ninety day trial period.

Adopted by the following vote:

Unanimously.

RESOLUTION #0274

Resolved by the City Council of the City of Lansing

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on

Public Safety and Properties have all recommended approval of a request for changes in the parking regulations on the south side of Ottawa Street between pine Street and Sycamore Street;

Now, Therefore, Be it Resolved the Lansing City Council hereby approves the installation of ONE HOUR METERED ANGLE PARKING 8 A.M.-6 P.M. in the recessed area on the south side of Ottawa Street from 115 feet west of Pine Street to 94 feet east of Sycamore Street for a ninety day trial period.

Adopted by the following vote:

Unanimously.

RESOLUTION #0275

Resolved by the City Council of the City of Lansing

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request for traffic control at the intersection of Daleford Avenue and Sycamore Street;

Now, Therefore, Be it Resolved, the Lansing City Council hereby approves the installation of a Stop sign on Daleford Avenue at Sycamore Street.

Adopted by the following vote:

Unanimously.

RESOLUTION #0276

Resolved by the City Council of the City of Lansing

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for changes in the parking regulations on Kelsey Avenue;

Now, Therefore, Be it Resolved, the Lansing City Council hereby approves the installation of a No Parking At Any Time Zone on the north side of Kelsey Avenue from Marion Avenue to Logan Street.

The following changes will be required in the City Traffic Code:

ADD: No Parking At Any Time on the north side of Kelsey Avenue from Marion Avenue to Logan Street.

Adopted by the following vote:

Unanimously.

RESOLUTION #0277

Resolved by the City Council of the City of Lansing

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for changes in the parking regulations on Porter Street;

Now, Therefore, Be it Resolved, the Lansing City Council hereby approves the installation of a No Parking At Any Time Zone on the south side of Porter Street from Case Street to the dead end west of

Case Street.

The following changes will be required in the City Traffic Code:

ADD: No Parking At Any Time on the south side of Porter Street from Case Street to the dead end west of Case Street.

Adopted by the following vote:

Unanimously.

RESOLUTION #0278

Resolved by the City Council of the City of Lansing

That the request from the Catholic Social Services of Lansing/St. Vincent Home for permission to sell beer and wine in Riverfront Park during their Second Annual Family Reunion Celebration on July 25 & 26, 1986, is hereby approved, providing special liquor permits are obtained from the Michigan Liquor Control Commission as required.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER WORTHINGTON—

That we move to suspend the rules for the passage of the attached ordinance revising Chapter 4, Section 4-10, sub-section (g) to set requirements for liquor liability insurance in connection with the sale of alcoholic beverages in certain City owned or controlled areas.

Yeas—BELEN, BENAVIDES, CREAMER, SCHMIDT and WORTHINGTON.

Nays—ADADO and BLAIR

Absent—LINDEMANN

Motion failed.

By COUNCILMEMBER ADADO—

That we reconsider the Ordinance #716 adopted last week. Much discussion was held.

By COUNCILMEMBER BLAIR—

That we recess for 5 minutes.

Council recessed at 8:45 P.M. and reconvened at 8:50 P.M.

Discussion held.

Councilmember Worthington asked for a roll call vote on the resolution giving immediate effect upon publication to Ordinance No. 716 adopted June 23, 1986.

By COUNCILMAN WORTHINGTON—

RESOLUTION #0279

Resolved by the City Council of the City of Lansing

That Ordinance No. 716 amending Section 4-10 of the City Code, adopted June 23, 1986, being necessary for preservation of the public peace, health and safety,

shall be given immediate effect upon publication.

Lost by the following vote:

Yeas—COUNCILMEN BELEN, BENAVIDES, CREAMER and WORTHINGTON—4.

Nays—COUNCILMEN ADADO, BLAIR and SCHMIDT—3.

By COUNCILMEMBER ADADO—

RESOLUTION #0280

Resolved by the City Council of the City of Lansing

Whereas, the Lansing City Council has established a Lansing Industrial Development District IPR-5-83, at Lot 15, Apollo Drive in the Lantex Industrial Park, commonly known as 2150 Apollo Drive; and

Whereas Planet Corporation has applied for an Industrial Facilities Exemption Certificate for construction of a new facility at 2150 Apollo Drive; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Planet's application for an Industrial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Industrial Development District IPR-5-83; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, July 21, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

RESOLUTION #0281

Resolved by the City Council of the City of Lansing

Whereas, the U.S. Department of Housing and Urban Development has advertised the availability of the property located at 309 East Hillsdale on June 2, 1986; and

Whereas, the Cherry Hill Target Advisory Organization which has an adopted development plan for its neighborhood has requested that the property located at 309 East Hillsdale be acquired by the City of Lansing; and

Whereas, in order to acquire this property, the City must submit its bid to HUD;

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, that the Department of Planning and Municipal Development be and is hereby authorized to submit a bid to acquire property located

at 309 East Hillsdale by means of executing a "Standard Retail Sales Contract" (Form HUD-9548); and

Be It Further Resolved By The City Council of the City of Lansing, that any transfer necessary to provide funds to acquire and demolish 309 E. Hillsdale shall be handled as administrative transfers from the existing rehabilitation accounts for the Cherry Hill Neighborhood.

Adopted by the following vote:

Yeas—COUNCILMEN ADADO, BENAVIDES, BLAIR, CREAMER SCHMIDT and WORTHINGTON—6.

Nays—COUNCILMAN BELEN—1.

BY THE COMMITTEE ON WAYS AND MEANS RESOLUTION #0282

Resolved by the City Council of the City of Lansing

Whereas, there is currently discussion in the Michigan House of Representatives to allocate \$.05 of the cigarette tax to Public Safety Assistance; and

Whereas, this program would provide financial assistance for public safety to 32 Michigan cities by re-allocating five cents of the State cigarette tax, no longer needed for the State accounting debt fund; and

Whereas, the 32 communities benefitting from these funds have joined together to form the Municipal Public Safety Consortium, for the purpose of engaging a lobbyist to promote the passage of the legislation; and

Whereas, such an endeavor is a costly undertaking for one community, but when shared by 32 communities can be seen as a modest investment in acquiring additional public safety funds.

Now, Therefore, Be It Resolved that the City of Lansing agrees to participate in the Municipal Public Safety Consortium and commits its share of \$2000.00 based upon population for the purpose of hiring a lobbyist/lobbyist agent to have the above mentioned funds allocated to cities to support public safety;

Be It Further Resolved that the City's position on this concept of public safety support will be communicated to its lawmakers in Lansing with strong encouragement to act favorably;

Be It Finally Resolved that funding for this contribution shall be drawn from the City Special Expense Account.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT III

RESOLUTION #0283

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing

That the special assessment roll for Storm Sewer, Sanitary Sewer, Curb & Gutter.

Assessment Roll No. 302 C&G & St. Sewer.

Property Benefited All lands fronting on Tressa Dr. from Jolly Rd. to north end of street excepting all public streets & alleys & other lands deemed not benefited.

Assessment Roll No. 302 C&G.

Property Benefited All lands fronting on Cypress Street from Roosevelt St. to Knollwood Street excepting all public streets & alleys & other lands deemed not benefited.

Assessment Roll No. 302 C&G & St. Sewer.

Property Benefited All lands fronting on Durwell St. from Haag Road to Hughes Road excepting all public streets & alleys & other land deemed not benefited.

Resolution Date 5/20/85; PS #65100 C&G/St. Sewer/San. Sewer; Property Benefited All lands fronting on Ferrol Street from Christiansen Rd. to the East end of the street excepting all public streets & alleys & other lands deemed not benefited.

Resolution Date 5/20/85; PS #85041 C&G (ordered); Property Benefited All lands fronting on Yunker Street from Miller Rd. to approx. 160 ft. S. of Victoria (end of St.) excepting all public streets & alleys & other lands deemed not benefited.

Resolution Date 5/20/85; PS #85041 C&G (ordered); Property Benefited All lands fronting on Barker Street from Southfield to Victoria Street excepting all public streets & other lands deemed not benefited.

Resolution Date 5/20/85; PS #85041 (ordered); Property Benefited All lands fronting on Shreve Street from Southfield to Victoria excepting all public streets & alleys & other lands deemed not benefited.

Resolution Date 5/20/85; PS #85041 C&G (ordered); Property Benefited All lands fronting on Daft Street from Miller Road to Victoria excepting all public streets & alleys & other lands deemed not benefited.

Resolution Date 8/12/85; PS #75106 C&G/St. Sewer; Property Benefited All lands fronting on Daft Street from Miller Rd. to Hein Ave. excepting all public streets & alleys & other lands deemed not benefited.

Resolution Date 5/20/85; PS #85041 C&G/St. Sewer (ordered); Property Benefited All lands fronting on Victoria from Daft St. to Yunker Street excepting all public streets & alleys & other lands deemed not benefited.

The revised estimated expense of said improvements based upon construction bids are as follows:

Project Number-PS 85047; Assessment Roll No. 302 C&G; Intersection and City Contribution-\$116,623.37*; Assessable to Property Owners-\$142,370.11; Total Project Cost-\$258,993.48; Assessment Roll No.-Storm St. Leads; Intersection and City Contribution-\$17,600.50**, 0.00; Assessable to Property Owners-\$54,881.25, \$2,443.75; Total Project Cost \$72,481.75, \$2,443.75; Assessment Roll No. STORM TOTAL San.; Intersection and City Contribution-\$17,600.50, \$3,851.25***; Assessable to Property Owners-\$57,325.00, \$3,317.50; Total Project Cost-\$74,925.50, \$7,068.75.

TOTAL PROJECT COST-\$138,075.12; \$202,912.61; \$340,987.73.

returned by the City Assessor be received and placed on file, and the City Clerk be directed to publish a notice thereof by publication in a local newspaper five days in accordance with Section 28-17, of Chapter 28 of the Code of Ordinances.

**401-787-010-974.667 \$17,600.50;

***590-536-608-974 \$3,851.25;

Resolved further, that the City Council will meet at the Council Rooms on Monday, the 21st day of July, 1986 at 7:00 o'clock p.m. for the purpose of reviewing said assessment roll.

*203-452-617-974 \$83,578.76; *401-900-000-974.2 \$23,628.32; *203-456-615-974 \$5,000.00; *203-456-613-974 \$3,000.00; *101-452-615-974 \$1,416.29;

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES S. REMENAR
Deputy Controller

Adopted by the following vote:

Unanimously.

BY COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #0284

Resolved by the City Council of the City of Lansing

SLU-3-86
300 Block of
W. Jolly Road

Whereas, the Mount Hope Presbyterian Church has requested a Special Land Use Permit to construct and operate a church to eventually seat 500 persons on a vacant 5.27 acre parcel of land on the south side of the 300 Block of W. Jolly Road; and

Whereas, said parcel is zoned appropriately, has sufficient proposed parking, and meets the major criteria of the Code (minimum 2 acre site and direct access to a major street); and

Whereas, the Planning Board recommended approval of this Special Land Use Permit; and

Whereas, the Physical Development Committee has reviewed said recommendation and concurs therein;

Now Therefore Be It Resolved, that the Lansing City Council approves the Special Land Use Permit for Mount Hope Presbyterian Church to construct and operate a church on a vacant parcel on the south side of the 300 Block of West Jolly Road.

Be It Finally Resolved that the City Clerk is hereby directed to notify the applicant of such action.

Adopted by the following vote:

Unanimously.

BY THE COMMITTEE OF THE WHOLE

RESOLUTION #0285

Resolved by the City Council of the City of Lansing

Whereas, Ostfriesisches Jugendsinfonie-Orchester (The Youth Symphony Orchestra from East Friesland, West Germany) visited the City of Lansing July 3-7, 1986; and

Whereas, Ostfriesisches Jugendsinfonie-Orchester under the able direction of Hans-Joachim Siebert and Rudolf Gnug, demonstrated outstanding musical abilities and a highly commendable commitment to the goals of international friendship and understanding through the international language of music;

Now, Therefore, Be It Resolved that the City of Lansing declares Saturday, July 5, 1986 as Ostfriesisches Jugendsinfonie-Orchester Day in Lansing and congratulates the joint conductors, Rudolf Gnug and Hans-Joachim Siebert, and the Orchestra for the exemplary manner in which they have achieved musical excellence, international friendship, a good will; and,

Be it Further Resolved, that a copy of this resolution be presented to Ostfriesisches Jugendsinfonie-Orchester as evidence of the high regard in which they are held by the people of the City of Lansing.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-14-86—5436 S. Cedar St. to be rezoned from "A" Residential District to "H" Light Industrial District.

was introduced by COUNCILMEMBER BELEN, read a first and second time by its title and referred to the Committee on Physical Development.

By COUNCILMEMBER BELEN—

RESOLUTION #0286

Resolved by the City Council of the City of Lansing

That a public hearing be set for Monday, July 21, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving rezoning petition Z-14-86—5436 S. Cedar St. to be rezoned from "A" Residential District to "H" Light Industrial District.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps

adopted by Section 36-6 of the code for property located at:

a. Z-6-86, 1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District filed by Randall J. Eberbach.

b. Z-8-86—2108 N. East Street to be rezoned from "B" Residential District to "F" Commercial District filed by Richard Wilkins.

c. Z-9-86—925 E. Oakland Ave. to be rezoned from "E-2" Local shop District to "F" Commercial District filed by James Patrick and Scott Taylor.

d. Z-10-86—4516 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial District filed by Ralph J. Spagnuolo.

e. Z-11-86—1121 May Street to be rezoned from "B" Residential and "H" Light Industrial Districts to "H" Light Industrial District filed by Phillip Branstetter.

and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-6-86—1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District

be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.
Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-6-86—1206 Mary Avenue to be rezoned from "A" Residential District to "C" Residential District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2185

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number Z-6-86, 1206 Mary Avenue
Parcel Number 3301-32-251-201

Legal Description: Lot 2, Supervisor's Plat #5, City of Lansing, Ingham County, Michigan

From "A" Residential District to "C" Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-8-86—2108 N. East Street to be rezoned from "B" Residential District to "F" Commercial District

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.
Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-8-86—2108 N. East Street to be rezoned from "B" Residential District to "F" Commercial District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2186

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF

ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number Z-8-86, 2108 North East Street

Parcel Number 3301-03-352-301

Legal Description: Lot 2, Spencer's Subdivision, City of Lansing, Ingham County, Michigan

From "B" Residential District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the city Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-9-86—925 E. Oakland Ave. to be rezoned from "E-2" Local Shop District to "F" Commercial District.

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-9-86—925 E. Oakland Ave. to be rezoned from "E-2" Local Shop District to "F" Commercial District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2187

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number Z-9-86, 925 East Oakland Avenue
Parcel Number 3301-10-306-111

Legal Description: Lots 1, 2, 3, 4, 41 and 42 of the Holmes Realty Company's Plat, City of Lansing, Ingham County, Michigan, together with the vacated alley lying between Lots 1, 2, 3, 4, and 42 above described, according to the plat thereof as recorded in Liber 4 of plats, Page 21 of the Ingham County records. Containing 22,891 square feet.

From "E-2" Local Shopping District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMAN CREAMER—

Resolved by the City Council of the City of Lansing

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-10-86—4516 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial District

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-10-86—4516 S. Logan Street to be rezoned from "A" Residential District to "F" Commercial District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2188

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number Z-10-86, 4516 South Logan Street

Parcel Number 3301-32-402-161

Legal Description: Lot 48 of Supervisor's Plat of Prosperity Farms #1, City of Lansing, Ingham County, Michigan.

From "A" Residential District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-11-86—1121 May Street to be rezoned from "B" Residential and "H" Light Industrial Districts to "H" Light Industrial District.

be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-11-86—1121 May Street to be rezoned from "B" Residential and "H" Light Industrial Districts to "H" Light Industrial District.

be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2189

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number Z-11-86, 1121 May Street

Parcel Number 3301-10-377-181

Legal Description: A part of the north $\frac{1}{4}$ of Lot 15 James Seymour's Sub. of the SW $\frac{1}{4}$ of Sec. 10, T4N, R2W, City of Lansing beginning on the north line of May Street at a point 124.46 feet east of west line said Lot 15; thence east on north line of May Street 97.22 feet; thence northerly 215.83 feet to a point 220.55 feet easterly of west line said Lot 15; thence westerly 97.26 feet to a point 123.29 feet easterly of west line said Lot 15 and 216.61 feet northerly of point of beginning; thence south to said point of beginning, Ingham County, Michigan

From "B" Residential and "H" Light Industrial Districts to "H" Light Industrial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried by a vote of six councilmembers;

Councilmember Blair objected to this motion.

June 27, 1986

Council President Benavides and
City Councilmembers

Dear President Benavides and Councilmembers:

Pursuant to the budget resolution request for review of the City golf operations and consideration of the establishment of an enterprise fund for golf, I have had several staff members work with Councilmember

Worthington on this. Although only the preliminary assessment has been completed, it does lead to the conclusion that a Council policy is needed determining that the golf courses should be operated as a business and an enterprise fund be established.

The courses currently have a small positive annual cash surplus, according to the City Controller. The Parks Director is preparing a user survey for each of the four courses. He feels that we would be able to operate the courses, including maintenance needs, from user revenues and establish a broader range of services.

I recommend that you approve the establishment of the policy to run the courses as a business, and I will commit to have administrative implementation before next spring's season. We will want to do the user surveys, work with the Parks Board, and make sure that we provide high quality golf courses, with competitive services at competitive rates.

These are the types of amenities that we need to develop within the City as we go forward with our economic development programs. We want and need attractions for visitors when they come into our community.

As any of you who have ever attended conferences well know, the restaurants, shopping, and recreational facilities within the community have a significant impact, especially when the question arises as to whether to bring the family along. Now, as the Radisson Hotel and Exhibition Hall are nearing completion and other projects are on the horizon, is when we should also attend to making sure that we have the necessary recreational facilities within Lansing.

Staff will be available to meet with your committees to discuss this further.

Thank you.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Parks Board.

By COUNCILMEMBER ADADO—

I move to reconsider the vote on Ordinance #716 adopted June 23, 1986.

Failed by the following vote:

Yeas—ADADO, BLAIR, SCHMIDT and CREAMER

Nays—BELEN, BENAVIDES and WORTHINGTON.

Absent—LINDEMANN.

By COUNCILMEMBER BLAIR—

I move to reconsider Resolution #3 on tonight's agenda.

Yeas—BELEN, BENAVIDES, BLAIR, CREAMER and WORTHINGTON.

Nays—ADADO and SCHMIDT.

Absent—LINDEMANN.

The resolution was reconsidered with roll call vote,

and lost by the following vote:

Yeas—BELEN, BENAVIDES, BLAIR, CREAMER and WORTHINGTON.

Nays—ADADO and SCHMIDT.

Absent—LINDEMANN.

By COUNCILMEMBER BLAIR—

That we suspend the rules to reconsider Ordinance #716 adopted June 23, 1986.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

I move to reconsider the vote on Ordinance #716 adopted June 23, 1986.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

That this Ordinance be amended by striking out all references to Groesbeck Golf Course anywhere mentioned.

Adopted by:

Yeas—ADADO, BELEN, BENAVIDES, BLAIR, CREAMER and SCHMIDT.

Nays—WORTHINGTON.

Absent—LINDEMANN.

By COUNCILMEMBER ADADO—

I move to adopt the Ordinance as amended.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER ADADO—

I move to give the Ordinance immediate effect.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 716

AN ORDINANCE TO AMEND SECTION 4-10 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING TO MODIFY REQUIREMENTS WITH REGARD TO LIABILITY INSURANCE AND LOCATION FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN CITY OWNED OR CONTROLLED AREAS.

The City of Lansing Ordains:

Section 1. Section 4-10 of Chapter 4 of the Code of Ordinances of the City of Lansing is amended to read as follows:

Sec. 4-10. *Consumption in public places, private parking areas, prohibitions and exceptions.*

(a)(1) It shall be unlawful for any person to sell,

consume or possess in an open container alcoholic beverages in the public streets, parks, alleys, sidewalks, city-owned parking facilities or the Turner-Dodge Mansion, except as provided in this section.

(2) It shall be unlawful for any person to sell, consume or possess in an open container alcoholic beverages in a private parking lot or facility, including but not limited to, shopping center parking lots or parking areas adjacent to commercial establishments which are utilized by patrons of the commercial establishment, unless such person has in his or her possession, in writing, the express permission or consent of the owner or lessee or the lawful agent of the owner or lessee of said lot or facility. This subsection shall not apply to any event sponsored or authorized in writing by the owner or lessee of such premises.

(b) Beer or wine may be sold for consumption in the Riverfront Park if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the city council approves the license application prior to the issuance of the license. Approval by the city council shall be obtained only if the license is to be utilized in conjunction with a city-approved cultural, ethnic or community activity open to the public and if the requisites set forth in subsections (f), (g) and (h) of this section are met.

(c) Beer or wine may be sold for consumption at Municipal Baseball Field or Ranney Softball Field if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the city council approves the license application prior to the issuance of the license. Approval by city council shall be obtained only if the license is to be used in conjunction with city approved district, state, regional or national adult athletic tournaments, and if the requisites set forth in subsection (f), (g) and (h) of this section are met.

(d) Beer or wine may be sold for consumption within the GROUNDS OF THE Turner Dodge Mansion, SCOTT GARDENS, COOLEY GARDENS, AND COOLEY HAYES PROPERTY OR MAY BE CONSUMED WITHIN THE GROUNDS OF THE TURNER-DODGE MANSION, SCOTT GARDENS, COOLEY GARDENS, AND COOLEY HAYES PROPERTY provided, that all permits as required by the parks department have been obtained, a special license, if applicable, has been obtained from the Michigan Liquor Control Commission and if the requisites set forth in subsections (f), (g) and (h) are met. Rental fees for the Turner Dodge Mansion OR FOR EVENTS AT THE SCOTT GARDENS OR COOLEY GARDENS shall be set by city council resolution. Use of the Turner Dodge Mansion OR SCOTT GARDENS OR COOLEY GARDENS in conjunction with the sale of beer or wine for consumption shall not be necessarily limited to public or city council approved events, but may also include private events.

(e) Beer or wine may be sold for consumption within the streets, alleys, sidewalks and public places within the boundaries of the Downtown Mall and Environs, as defined in section 24A-1 of this Code, provided the following conditions are satisfied:

(1) The request has been approved by the mayor after the mayor has received recommendations from the mall advisory board and from any other city department the mayor may desire;

(2) The individual, group or organization making the application obtains a special license for such sale and consumption from the Michigan Liquor Control Commission;

(3) The individual, group or organization has complied with subsections (f), (g), (h) and (i) of this section;

(4) Any other conditions which the mayor may require.

(f) The city clerk shall provide a form on which the applicant shall provide the following information:

Name and address of the applicant; name of the organization, if applicable; type of event; estimated number of persons attending; the name of the insurance company, if applicable, from which the necessary public liability policy will be or has been obtained; proof that the proper rental fee has been paid, if applicable; and the security measures which the applicant proposes to utilize.

Upon the applicant's payment of the ten dollar (\$10.00) application fee, the city clerk shall forward a completed application form to the city police and the city parks department for their review.

(g) Whenever a special license for the sale of beer or wine for consumption in Riverfront Park, Municipal Baseball Field, Ranney Softball Field, WITHIN THE DOWNTOWN MALL AND ENVIRONS OR WITHIN THE GROUNDS OF THE TURNER DODGE MANSION, SCOTT PARK, COOLEY GARDENS, AND COOLEY HAYES PROPERTY is required, the applicant shall file with the City Clerk proof of PERSONAL INJURY and property damage insurance policy insuring the applicant against any liability imposed on such applicant and/or the City of Lansing arising out of the sale of beer or wine. Such policy shall provide for no less than payment of up to THREE hundred thousand dollars (\$300,000.00) in the event of injury to, or death to, one person OR MORE THAN ONE PERSON; and for the payment of no less than one hundred thousand dollars (\$100,000.00) for property damage. Such policy shall have a provision to the effect that the insurance company shall notify the city clerk at least ten (10) days prior to the expiration of such policy. PROVIDED, HOWEVER, THAT THIS REQUIREMENT MAY BE WAIVED OR THE AMOUNTS OF SUCH REQUIRED INSURANCE REDUCED BY RESOLUTION OF THE LANSING CITY COUNCIL FINDING THAT SUCH A REDUCTION OR WAIVER IS IN THE PUBLIC INTEREST.

(h) The applicant shall be solely responsible for providing adequate security, in the form of adequate personnel and fencing, as determined by the city parks department. Approval by the city parks department of the applicant's plan for security shall be obtained prior to any application being approved or any event being scheduled.

(i) It shall be unlawful for any person or authorized agent to sell beer or wine for consumption in Riverfront Park, Municipal Baseball Field or Ranney Softball Field, in any container other than paper or plastic. It shall be unlawful for any person or authorized agent to sell or dispense beer or wine for consumption within the Turner Dodge Mansion, in any container other than paper or plastic, unless prior written permission has been received from the city parks department.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMAN ADADO—

Resolved by the City Council of the City of Lansing

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried.

By COUNCILMAN BLAIR—

Resolved by the City Council of the City of Lansing

That Councilman Lindemann be excused from the session.

Carried.

REMARKS BY THE MAYOR

Announced the Fireworks would be held at 9:45 P.M. July 4th at Riverfront Park.

No trash pick-up on Friday, July 4th.

REMARKS BY THE CITY COUNCIL

None.

Robert F. Franks, 115 S. Foster Ave. spoke of problem of noise, odor, etc. from Quality Dairy Co.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:25 P.M.

RITA M. BAUMAN
City Clerk

June 30, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

397

Proceedings, July 7, 1986

Lansing, Michigan
July 7, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

PRESENT—COUNCILMEMBERS ADADO, BELEN, BENAVIDES, BLAIR, CREAMER, LINDEMANN, SCHMIDT and WORTHINGTON—8.

ABSENT—None.

The Clerk announced that a quorum of the council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

Council Proceedings of June 2, 1986 approved and carried.

PUBLIC HEARING

July 7, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Chapter 36, Sections 36-3, 36-9.1; 36-9.5; 36-9.7; 36-10.1; 36-15.1; 36-16.4; 36-21.2; 36-21.3; 36-22.2; 36-22.3; 36-22.5; 36-23.2; 36-23.3; 36-24.2; 36-24.3; 36-25.2; 36-26.2; 36-27.2; 36-27.3; 36-28.2; 36-29.3; 36-30.1; 36-30.2; 36-30.3; 36-30.5; 36-30.6; 36-31.1; 36-31.2; 36-31.3; 36-32.1; 36-32.3; 36-33.1; 36-33.3; 36-34.1; 36-34.3 and 36-43 to update and revise the Zoning Ordinance.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Zoning Ordinance amendments they would have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

BY COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing that the rules of the Council be waived for the

purpose of presenting Senator Sederburg for speaking on the recent appropriation of funds for Lansing.

Senator Sederburg spoke regarding the Outstate Equity Funding Program (\$500,000.00 for Lansing); Capital Area Sprucing up; \$20,000.00 for the Women's Hall of Fame and \$50,000.00 to be spend for planning and implementing the Capital Area as a State Park.

He also spoke regarding state land which is leased by the City in five different locations of the city.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

George Vasilenko, 800½ E. Michigan Avenue spoke on Communication #5.

Christopher Steele, 1118 No. Walnut St. spoke regarding Resolution #1a - in favor of demolition of property at 323 No. Grand River.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been received for licenses:

PUBLIC DRIVERS—Douglas I. Maynard, Lonnie L. King, Randy L. Hankins

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

Notice of Suit filed in Michigan Tax Tribunal by Capital View Limited Partnership v City of Lansing for property located at 524-26 S. Chestnut St.

REFERRED TO THE CITY ATTORNEY

Claims filed by:

a. Grace L. Ansley, 2034 W. Lenawee St., for damages to basement from overloaded sewer from storm on June 10, 1986.

b. Mary Browley, 115 W. Cavanaugh St., for damages to carpet due to sewer back-up.

c. Robert Hyvarinen, Vermontille, MI for injuries sustained by their son in a fall due to hand railing breaking at the Civic Center.

d. Judith Wagner, 908 N. Chestnut, for automobile damaged due to hitting a raised manhole cover in the street.

e. Angela M. Huntoon, 811 N. Capital, for automobile damaged in an accident with a city vehicle.

f. Citizens Insurance Co. of America for reimbursement of damages due to a portable stop sign falling on an insured's vehicle.

REFERRED TO THE CITY ATTORNEY

Petition filed for rezoning Z-20-86—1037 Lenore, 2001-09-11-15-19 S. Logan Street, described as, Lots 10, 11, 12, 13 and west 128.5 ft. of Lots 14 and 15, Block 4, Elmhurst Subdivision, City of Lansing, Ingham County, Michigan, to be rezoned from "B" Residential District to "J" Parking District filed by Rev. William Warren.

REFERRED TO THE MAYOR AND PLANNING BOARD.

Petition filed to have street repaired at corner of Kalamazoo and S. Hosmer St.

REFERRED TO THE MAYOR

Application for license to operate a horse drawn carriage for Ed Ritter Carriage Service.

By COUNCILMEMBER WORTHINGTON—

That this application for a horse drawn Carriage service be approved and a license issued when all signatures have been obtained from departments.

Carried.

Herbert J. Hamilton, 1417 Corbett St., submits letter requesting street sign replacement.

REFERRED TO THE MAYOR.

Robert F. Ottaway, President of WMMQ, submits second letter requesting the lease of space on a City broadcasting tower.

REFERRED TO THE MAYOR

Letter from Lansing Fire Fighters Local No. 421 regarding Hazardous Materials Response Team.

REFERRED TO THE MAYOR AND COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA:

Mayor's letter #3a (Response regarding Mrs. Edna Huger)

REPORT OF COMMITTEE

The Committee on General Services approves the following licenses and bonds:

PUBLIC DRIVER—Douglas J. Maynard, Lonnie L. King, Randy L. Hankins

SIGNED:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

June 26, 1986

President Benavides and Members of
Lansing City Council

Re: Claim of Kristin J. Kuerbitz in the amount of
\$507.86

Dear President Benavides and Members of
City Council:

On June 2, 1986, City Council received a claim for vehicle damage in the amount of \$507.86 from Kristin J. Kuerbitz, 4215 West Michigan Avenue. Claimant states she was driving in the area of 400-500 East Saginaw about 10:30 p.m. on May 19, 1986 when her Dodge Omni hit a two by three foot pothole. Her left tires, front and back, were irreparably damaged and the left front rim bent. Claimant submitted two estimates for tire replacement (\$283.86 on both) and associated labor (\$32.00 or \$24.00) but only one estimate for the rim replacement was available (\$192.00). A total damage claim, using the lowest of the available prices, should be \$499.86. Claimant's deductible limit was confirmed at \$100.00.

The initial investigation by the Public Service Department indicated no pothole complaints were made for the area reported by the Claimant during the relevant time period. Continued investigation revealed that the Board of Water and Light made a utility cut at that location on April 19, and filled it for a temporary period with rejuvenated asphalt until such time as it could be permanently repaired with concrete. The Board of Water and Light did not notify the City because it intended to make the permanent repairs itself and later ask the City to finish the surface with asphalt.

In light of the facts presented by the Public Service Department, the office transferred copies of the Claimant's information to the Board for investigation and resolution. It is the recommendation of this office that no further action be taken on this claim at this time.

Sincerely,

STEPHEN R. SAWYER
City Attorney

RECEIVED AND PLACED ON FILE

July 2, 1986

July 2, 1986

President Benavides and Members of
Lansing City Council

Re: Sandra Lund claim in the amount of \$257.99

Dear President Benavides and Members of
Lansing City Council:

Sandra Lund submitted a claim for damage to a wheel and tire on her automobile in the amount of \$257.99. Claimant states that on February 21, 1986 at approximately 5:00 p.m. while driving south on South Pennsylvania Street in the right hand lane near Kendon Street she struck a "chuckhole" in the roadway. Claimant states that the tire, wheel and trim ring on her automobile were damaged.

A review of Public Service Department Records indicates that a complaint regarding the pothole was received on February 21, 1986 at 4:20 p.m. It was filled on February 22, 1986 at 3:00. There was no prior knowledge of the pothole.

A governmental agency is immune from liability for damages caused by defective highways unless the governmental agency had knowledge of the defect and had a reasonable time to repair the defect before the damages occurred. MCLA 691.1403. It appears that the City had no advance notice of this pothole. Based upon the facts of this claim and the applicable law it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

DATE: 7/1/86

TO: Council President Benavides and
City Councilmembers

FROM: Police Chief Richard A. Gleason

SUBJECT: PARADE APPLICATION — REO CLUB
OF AMERICA

Attached is an application for a parade permit from the above-referenced organization, scheduled for 11:00 AM on Saturday, July 19, 1986.

Our personnel estimate this will cost the City a total of \$48.00, which represents two officers and two vehicles for one hour.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade application for Reo Club of America on July 19, 1986 be approved.

Carried.

Council President Benavides and Lansing
City Councilmembers

Dear President Benavides and City
Councilmembers:

At last Monday night's Council meeting, Councilmember Adado stated that he had received a telephone call from a Mrs. Hugger who had been trying unsuccessfully to contact me since May 9. The only perceivable reason for such a public statement was to embarrass me and to infer that I don't deal effectively with the public. Otherwise a quiet phone call to my office would have been satisfactory.

Here are the facts. Mrs. Edna Hugger called my office on May 12. Her home was broken into on April 6 when they were in New Mexico. She stated that she wanted Foster Community Center closed immediately.

My Citizen Referral Specialist, Pamala Fowler, called Mrs. Hugger on May 14. Mrs. Hugger condemned the Foster Community Center operation and stated that those "Black kids should go back to their part of town near Kalamazoo Street". Conversation was impossible; so Ms. Fowler simply allowed Mrs. Hugger to talk without interruption.

Ms. Fowler briefed me on the conversation and checked with LPD regarding the existence of a Neighborhood Watch in Mrs. Hugger's area. I sent a letter to Mrs. Hugger (copy attached) six working days after her first call.

In that letter I told her that we are not closing Foster Community Center, that her neighborhood should join an adjacent Neighborhood Watch area, that she could call Sgt. Ross for more information, and that she could call my office again if necessary.

Telephone message books for my three employees in the front office were checked, and there are no calls recorded from Mrs. Hugger since May 14.

I hope this letter clarifies the situation adequately.

Best personal regards,

TERRY J. MCKANE
Mayor

RECEIVED AND PLACED ON FILE

DATE: 6/27/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Duvernay Dr. at Beaujardin Dr.:
Stop Sign Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER BLAIR—

That we concur in the recommendation of the Mayor and this Stop Sign be approved for Duvernay Dr. at Beaujardin Dr.

Carried.

DATE: 6/27/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Pennsylvania Avenue at McKim Street:
No Left Turn Except Sunday

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER BLAIR—

That we concur in the recommendation of the Mayor and the No left turn except Sunday be approved for Pennsylvania Avenue at McKim Street.

Carried.

DATE: 6/27/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Osborne Rd.: Two Hour Parking Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER BLAIR—

That we concur in the recommendation of the Mayor and the Two Hour Parking Request for Osborne Rd. be approved.

Carried.

DATE: 6/27/86

TO: Council President Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Transportation Division

RE: Ingham St. at Fauna St.: Stop Sign Request

The attached material is submitted with my concurrence. I recommend that you carefully review it

and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER BLAIR—

That we concur in the recommendation of the Mayor and the Stop Sign Request for Ingham St. at Fauna St. be approved.

Carried.

RESOLUTIONS

Resolution #0287

BY THE COMMITTEE ON GENERAL SERVICES

Resolved by the City Council of the City of Lansing

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 323 West Grand River legally described as:

Lot 3, Block 1, Sophie's Turner's Subdivision

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on May 1, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on June 23, 1986 to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe and said building within 20 (Twenty) days from the date of this resolution; and

Be It Further Resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be It Further Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City

Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

Resolution #0288

That the request from Kraus Corporation to transfer ownership of a 1985 Class C licensed business from Thomas L. Mitchell, located at 501 S. Washington Avenue, Lansing, is hereby approved.

Adopted by the following vote:

Unanimously.

Resolution #0289

By COUNCILMEMBER ADADO—

That Councilmember Blair be excused from voting on this resolution.

Carried.

BY ECONOMIC DEVELOPMENT COMMITTEE

Resolved by the City Council of the City of Lansing

RESOLUTION SETTING PUBLIC HEARING (Olds Plaza Project)

Whereas, the Urban Development Action Grant ("UDAG") Program is a federally funded grant program available to assist distressed cities in revitalizing their economic bases, creating employment and strengthening their tax base; and

Whereas, the City of Lansing desires to assist the renovation of the Olds Plaza Hotel (the "Hotel") and receive assistance in erecting a parking and retail structure near the Hotel site, through the UDAG Program; and

Whereas, this City Council wishes to set a date for a citizen participation public hearing and impact analysis public hearing for the project.

Now, Therefore, Be it Resolved by the City Council of the City of Lansing, as follows:

1. A Citizen Participation Public Hearing for the Project shall be held at 7:00 p.m., Michigan Time, on the 21st day of July, 1986 in the City Council Chambers, City Hall, City of Lansing, County of Ingham, Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project. The governing body shall make and preserve a record of the Citizen Participation Public Hearing, including all data presented thereat.

2. An Impact Analysis Public Hearing for the

Project shall be held at 7:00 p.m., Michigan Time, on the 28th day of July, 1986 in the City Council Chambers, City Hall, City of Lansing, County of Ingham, Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project. The governing body shall make and preserve a record of the Impact Analysis Public Hearing, including all data presented thereat.

3. The City Clerk is hereby directed to publish notices of the Citizen Participation Public Hearing and Impact Analysis Public Hearing.

4. All resolutions or parts thereof in conflict with the resolution are hereby repealed, but only to the extend of such conflict.

Adopted by the following vote:

Unanimously.

Resolution #290

BY ECONOMIC DEVELOPMENT COMMITTEE

Resolved by the City Council of the City of Lansing

Whereas, the Lansing City Council has established a Lansing Commercial Redevelopment District CRD-10-79, at 405 S. Grand Avenue and has issued a Commercial Facilities Exemption Certificate for a Project at that site to B.F. Goodrich; and

Whereas, Martin Investment Properties, Inc. has applied for the transfer of this Commercial Facilities Exemption Certificate at 405 S. Grand Avenue; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Martin Investment's application for the transfer of the Commercial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the transfer of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Commercial Redevelopment District CRD-10-79; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, July 21, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Councilmember Blair left the meeting.

Adopted by the following vote:

Unanimously.

Resolution #0291

REVISED

BY COMMITTEE ON PHYSICAL DEVELOPMENT

Resolved by the City Council of the City of Lansing

That the special assessment roll for STORM SEWER, SANITARY SEWER & CURB & GUTTER.

Assessment Roll No. 302

C&G & St. Sewer; Property Benefited All lands fronting on Tressa Dr. from Jolly Rd. to north end of street excepting all public streets & alleys & other lands deemed not benefited.

Assessment Roll No. 302

C&G; Property Benefited All lands fronting on Cypress Street from Roosevelt St. to Knollwood Street excepting all public streets & alleys & other lands deemed not benefited.

Assessment Roll No. 302

C&G & St. Sewer; Property Benefited All lands fronting on Durwell St. from Haag Road to Hughes Road excepting all public streets and alleys and other lands deemed not benefited.

RESOLUTION DATE 5/20/85

PS #65100 C&G/St. Sewer/San. Sewer; Property Benefited All lands fronting on Ferrol Street from Christiansen Rd. to the East end of the street excepting all public streets & alleys & other lands deemed not benefited.

RESOLUTION DATE 5/20/85

PS #85041 C&G (ordered); Property Benefited All lands fronting on Yunker Street from Miller Rd. to approx. 160 ft. S. of Victoria (end of St.) excepting all public streets & alleys & other lands deemed not benefited.

RESOLUTION DATE 5/20/85

PS #85041 C&G (ordered); Property Benefited All lands fronting on Barker Street from Southfield to Victoria Street excepting all public streets & other lands deemed not benefited.

RESOLUTION DATE 5/20/85

PS #85041 C&G (ordered); Property Benefited All lands fronting on Shreve Street from Southfield to Victoria excepting all public streets & alleys & other lands deemed not benefited.

RESOLUTION DATE 5/20/85

PS #85041 C&G (ordered); Property Benefited All lands fronting on Daft Street from Miller Road to Victoria excepting all public streets & alleys and other lands deemed not benefited.

RESOLUTION DATE 8/12/85

PS #75106 C&G/St. Sewer; Property Benefited All lands fronting on Daft Street from Miller Rd. to Hein Ave. excepting all public streets & alleys & other lands deemed not benefited.

RESOLUTION DATE 5/20/85

PS #85041 C&G/St. Sewer ordered; Property Benefited All lands fronting on Victoria from Daft St. to Yunker Street excepting all public streets & alleys & other lands deemed not benefited.

Adopted by the following vote:

Unanimously.

The revised estimated expense of said improvements based upon construction bids are as follows;

Project number, Assessment Roll No., Intersection and City Contribution, Assessable to Property Owners, Total Project Cost.

PS 85047; 302 C&G; \$123,324.67*; \$111,080.49; \$234,405.16; Storm; \$16,297.00**; \$50,490.75; \$66,787.75; Storm Leads; \$0.00; \$2,248.25; \$2,248.25; Storm Total \$16,297.00; \$52,739.00; \$69,036.00; Sanitary \$5,023.20***, \$1,480.05; \$6,503.25; TOTAL PROJECT COST: \$144,644.87; \$165,299.54; \$309,944.41

returned by the City Assessor be received and placed on file, and the City Clerk be directed to publish a notice thereof by publication in a local newspaper five days in accordance with Section 28-17, of Chapter 28 of the Code of Ordinances.

Resolved further, that the City Council will meet at the Council Rooms on Monday, the 28th day of July, 1986 at 7:00 o'clock p.m. for the purpose of reviewing said assessment roll.

*401-900-000-974.2, \$23,628.32;
*203-452-617-974, \$90,280.06; *203-456-615-974, \$5,000.00; *203-452-613-974, \$3,000.00; *101-452-615-974, \$1,416.29;
**401-787-010-974.667, \$16,297.00;
***590-536-608-974, \$5,023.20.

ALL PROJECTS ARE A PART OF THE 1986 NEW ROADS CONSTRUCTION CONTRACT, PS 85047.

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES S. REMENOR
Dep. City Controller

PUBLIC IMPROVEMENT V

Resolution #0292

BY COMMITTEE ON PHYSICAL DEVELOPMENT

Resolved by the City Council of the City of Lansing

That the supplementary special assessment roll for Removal of a dying Sugar maple tree located at 1713 Massachusetts Avenue.

Assessment Roll No. 51-T
Location 1713 Massachusetts
From \$250.00

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before September 30, 1986.

Adopted by the following vote:

Unanimously.

Resolution #0293

Resolved by the City Council of the City of Lansing

Whereas, the construction of a roadway connecting South Cedar Street and South Washington Avenue in the vicinity of the I-96 expressway will resolve certain traffic flow and congestion problems in the southern area of the City of Lansing; and

Whereas, the City of Lansing has decided to construct a roadway connecting South Cedar Street and South Washington Avenue in the area of the southern City limits of Lansing; and

Whereas, the City of Lansing has engaged the services of Snell Environmental Group to aid the City Engineering Division in developing the most economically feasible and efficient design of a safe roadway to ease the traffic flow problems within the above described area; and

Whereas, the City Engineering Division, and the Department of Planning and Municipal Development, and Deleuw Cather, Inc. have analyzed, studied and considered the impact, including the environmental impact of several alternative routes for construction of the roadway connecting South Cedar Street and South Washington Avenue in the southern area of the City and thereafter have developed a specific roadway route along the north side of the I-96 expressway that has been approved by the Federal Highway Administration; and

Whereas, the developed route was discussed and reviewed in public hearings by the City Traffic Board, City Public Service Board and City Planning Board; and

Whereas, it was the recommendation of the City Traffic Board, City Planning Board and City Public Service Board that the roadway be constructed; and

Whereas, by prior resolution, Lansing City Council approved the settlement of a Federal Court Lawsuit thereby approving and adopting plans for the construction of the roadway connecting South Cedar Street and South Washington Avenue; and

Whereas, the City of Lansing has set aside funds and has proceeded with negotiations for properties located within the area needed for the construction of the roadway as approved and has already acquired various properties; and

Whereas, there remains a property commonly described as 6700 Richard Road, Lansing, that is unacquired property located within the area needed for the construction of the roadway provided in the plans without which the construction of the roadway would be impossible; and

Whereas, the Development Division of the Department of Planning and Municipal Development has submitted a good faith offer to purchase 6700 Richard Road at a value not less than the value of the property determined by an independent appraiser to the property owner; and

Whereas, the Development Division of the Department of Planning and Municipal Development has allowed the property owners the opportunity to review the independent appraisal on the property located at 6700 Richard Road; and

Whereas, sufficient monies are available to purchase the property located at 6700 Richard Road at the value of the property as determined by the independent appraiser and said sum has been deposited with the City Treasurer; and

Whereas, the state of the title to the property located at 6700 Richard Road, Lansing, exhibits liens, encumbrances, levies, and lis pendens that exceed the value of the property and cloud the title thereto to an extent that the owner can not provide marketable title to the City;

Now, Therefore, Be it resolved that it is necessary for a roadway to be constructed connecting South Cedar Street and South Washington Avenue in the vicinity of the I-96 expressway in order to ease the traffic flow problems within the above described area and that said construction will be beneficial to the residents of the City of Lansing; and

Be It Further Resolved that the City of Lansing intends to construct the roadway; and

Be it Further Resolved that the property located at 6700 Richard Road which the City of Lansing has yet to acquire is necessary for the construction and operation of the roadway; and

Be It Finally Resolved that the City Attorney's Office is hereby authorized to commence condemnation proceedings under the applicable State law in order to acquire the property located at 6700 Richard Road thus ensuring the construction of the roadway.

Councilmember Blair returned to the meeting.

Councilmember Adado left the meeting.

Adopted by the following vote:

Unanimously.

Councilmember Adado returned to the meeting.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Councilmember Schmidt presented a draft of the Environmental Statement for the widening of So. Cedar Street.

REFERRED TO THE MAYOR AND PLANNING BOARD.

REMARKS BY THE MAYOR

Mayor McKane remarked on sewer work started on Washington Ave. through July 11th.

REMARKS BY THE CITY COUNCIL

Councilmember Lindemann asked the Mayor to check into the problem of people using Bancroft Park and walking thru residents yards on west side to get to the park.

Councilmember Blair remarked on the Fireworks on July 4th.

Councilmember Schmidt commented on the concert band playing July 4th.

Councilmember Creamer asked the Mayor to check the building at 1616 Coleman St.

Jackie McGregor, U.S. Congressional Candidate spoke regarding downtown Renovation project.

Emerson Ohl, Dept. of Economic Development Director, spoke regarding obtaining funding for the Olds Plaza project.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned:

Carried.

Council adjourned at 8:30 P.M.

RITA M. BAUMAN
City Clerk

July 7, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

405

Proceedings, July 14, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

July 14, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

Council proceedings of June 9, June 12 (Special Meeting), and June 16, 1986 be approved and carried.

Councilmember Blair entered the meeting.

PUBLIC HEARING

July 14, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1200 Pulaski Street.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

July 14, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 214 South Hosmer Street.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

Don Hobert, 3935 W. Willow St., owner of property spoke and asked for extension. Stated he had owned the property for a few weeks and planned to repair it.

Referred to the Committee on General Services.

July 14, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1630 North High Street.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

July 14, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 811 North Chestnut Street.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

John Ipson, 1859 Dennison St., East Lansing, owner of property, spoke, stating he was starting to repair the property.

Those speaking against the make-safe of the property were:

David Zaffina, 809 N. Chestnut St.
Esther Niver, 805 N. Chestnut St.
Florence Daniels, 802 N. Chestnut St.
Daniel Banberry, 725 N. Chestnut St.
Paula Zimmer, N. Chestnut St.

Referred to the Committee on General Services.

Councilmember Lindemann entered the meeting.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS,

COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Carol McDaniels, 4248 Glenburne Blvd. spoke and asked Councilmember Benavides to step forward and receive a presentation. She presented him with a big bouquet of Weeds—4 ft. long which were pulled from property in the neighborhood that she spoke about needing to be cut. Also remarked on the illegal trash dumping in their neighborhood. Presented pictures and petitions from area residents.

Referred to the Mayor.

Michael J. Sarhan, 1900 Pleasant Grove Road, spoke regarding his communication #4 on the agenda concerning trucks in their neighborhood and it is not on the truck route.

Mr. Perry, 4405 Glenburne, spoke regarding weeds and trash in their neighborhood.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Health Club License—YMCA Downtown Club
Cabaret—Parthenon Restaurant and Lounge and West Bank Restaurant & Lounge
Ice Cream Peddler—Pavement Refreshment, Inc.
Peddler—Ernest A. Kalana
Beer and Wine Carry out—Short Stop, 1901 S. Logan St.
Public Driver—Roland E. Singles, Jr.

Referred to the Committee on General Services.

Claim filed by Pete Mireles, 3740 Turner St., for damages to automobile from a raised manhole cover at construction site on E. Saginaw and Howard Sts.

Referred to the City Attorney.

Petition filed for rezoning—Z-21-86—3427 Pleasant Grove St. described as, commencing on the Westline of Section 32, T4N, R2W, City of Lansing, Ingham Co., Michigan, 3030 ft. South of Northwest corner of said Section, thence South on the West Line of Section 32, 81.93 Ft., thence on a bearing of North 53 40' East 250 Feet, thence North 81.93 Ft., thence on a bearing of South 53 40' West 250 feet to the point of beginning, to be rezoned from "A" Residential District to "E" Local Shopping District filed by James G. Bytwerk.

Referred to the Mayor and Planning Board.

Michael J. Sarhan, 1900 Pleasant Grove Rd., submits letter regarding enforcement of the truck route.

Referred to the Mayor.

Frederick L. Harmon, 5217 Wise Road, requests final preliminary approval for plat of Wise Wood Acres.

Referred to the Mayor and Planning Board.

Letter and petitions for consideration of a 4-way stop sign on Lathrup and Prospect St. filed by Jean A. Kwiecinski.

Referred to the Mayor.

Consumers Power Company submits letter regarding their Midland Plant.

Received and placed on file.

Michigan Department of Natural Resources submits permit for Board of Water and Light to conduct a temporary 4 ft. drawdown of the Grand River between North Lansing and Moores Park Dams for repairs of dam gate seals.

Received and placed on file.

Invitation to a forum on Health and Safety Ordinance to be held at Milford, Michigan on July 23, 1986 submitted by Milford Village Citizens's Advisory Committee and East Michigan Environmental Action Council.

Received and placed on file.

**MAYOR'S EXECUTIVE ASSISTANT
COMMENTS ON ANY ITEM ON THE AGENDA**

Mr. Cleophus Boyd, spoke regarding Board Appointments 3al (Hilda P. Curran—Board of Zoning Appeals); Alfred A. Eger—Historic District Commission); George Brown—Tri-County Senior Citizen Coord. Inf. Adv. Commission); Board Reappointments 3bl thru 6 (Al Purtil and Bill Brenke to Board of Review; Max Zemer and Lance R. Lynch to Board of Fire Commissioners; Patrick J. Shurtliff to Board of Electrical Examiners and Duane L. Allen to Capital Area Transportation Authority.)

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Health Club License: YMCA Downtown Club
Cabaret: Parthenon Restaurant and Lounge and West Bank Restaurant and Lounge.
Ice Cream Peddler: Pavement Refreshment, Inc.
Peddler: Ernest A. Kalana
Beer and Wine Carry-Out: Short Stop Carry out, 1901 S. Logan.
Public Driver; Roland E. Singles, Jr.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON:

That the report of the Committee be adopted.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

July 3, 1986

President Benavides
Members of Lansing City Council

RE: Claim of Steven Floyd for \$504.00

Dear President Benavides and Members of
City Council:

On May 12, 1986 Steven T. Floyd submitted a claim for towing and storage fees totaling \$504.00 as of May 8, 1986 with an additional \$3.00 for each day that his motorcycle is in storage after May 8, 1986. Claimant states that his motorcycle was towed away by the Lansing Police Department by mistake.

The records of the Lansing Police Department indicate that claimant's motorcycle was towed away by the Lansing Police Department on November 12, 1985. The Claimant's motorcycle was observed by Lansing Police Officers at approximately 2:30 p.m. Claimant's motorcycle was being driven left of the center line of the roadway in violation of the Lansing Traffic Code. The Police attempted to effect a traffic stop but the motorcyclist fled on the Claimant's motorcycle to the Claimant's house at 118 West Lenawee; jumped off the motorcycle, ran into the west side doorway of Claimant's house and locked himself in the house. The investigating officers checked the motorcycle through the LEIN system. The LEIN check indicated that the motorcycle was not stolen but that there were pending warrants for the arrest of the Claimant.

Approximately 2:20 a.m. on the morning of November 13, 1985 the Claimant reported a Breaking and Entering at his house at 118 West Lenawee and the theft of his motorcycle. At the time the police officer investigated the theft the Claimant did not have the title, registration or proof of insurance for his motorcycle. A stolen vehicle report was not prepared because the Claimant could not furnish the necessary information. The Breaking and Entering report was investigated by the Detective Bureau of the Lansing Police Department. Eventually, it was determined that the Claimants report of a Breaking and Entering was unfounded and the file was closed.

A police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle where there is probable cause to believe that the vehicle was used in the commission of a crime. MCLA 257.252(d). Since the Claimant's motorcycle was used to flee from the police officers the police department had authority to tow away the motorcycle.

However, the statute further requires, that if a police agency authorizes the removal of a vehicle pursuant to the above statute they must notify the registered owners by first class mail within 10 days after the vehicle has been towed, MCLA 257.252d(c). In this case, the Police Department failed to notify the Claimant of the towing as required by law. Claimant alleges that he did not learn of the towing location of his motorcycle until late April 1986 when he inquired at P.J.'s. Storage fees had accumulated at the rate of \$3.00 per day.

Although it is possible that the Claimant may have been aware that the policy department impounded his

motorcycle, the Police Department's failure to comply with the statutory requirement of notification and their inability to prove that the Claimant had such knowledge subject the City to possible liability in this matter.

Based on the above, it is the recommendation of this office that this claim should be paid in the amount of \$459.00. The amount represents the \$3.00 storage fee from November 14, 1985 to the end of April, 1986 less the 10 day period which the statute allowed to notify the Claimant. The recommended amount should only be paid to the Claimant should he actually claim his vehicle from the storage company and in addition release the City of Lansing from any and all liability arising from the incident.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT:

That we concur in the recommendation of the City Attorney to pay this claim but to amend it for the city to pay storage fees up to today, July 14, less the 10 day standard time of notification.

Carried.

The claim as amended was adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—7.

Nays—Councilmember Adado—1.

DATE: 7/9/86

TO: City Council President Benavides and
Councilmembers

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application—Tri-County
Bicycle Association

Attached is an application for a parade permit from the above-referenced organization, scheduled for 8:30 a.m. on Thursday, August 28, 1986, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$232.14, which represents two Sergeants, eight Police Officers and ten vehicles for one hour.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade permit be approved for August 28, 1986.

Carried.

July 9, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confir-

mation the appointment of Hilda Patricia Curran to the Board of Zoning Appeals. The term will expire June 1990.

Ms. Curran resides at 415 McPherson. She is the director of the Office of Women and Work at the Department of Labor. She is also an active member of the community, with membership with the Zonta Club of Lansing, the Advisory Board of Big Brothers/Big Sisters, and she is the Treasurer of the Food Bank.

I trust you will give careful consideration to the appointment of Hilda Patricia Curran to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the appointment of Hilda Patricia Curran to the Board of Zoning Appeals.

Carried.

July 9, 1986

Council President Tony Benavides and
Lansing City Councilmembers:

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the appointment of Alfred A. Eger to the Historic District Commission. The term will expire June 1987.

Mr. Eger resides at 1214 N. Genesee Dr. He has been a History and Government teacher for twenty years and also a department chairman for several years.

I trust you will give careful consideration to the appointment of Alfred A. Eger to this important Commission.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the appointment of Alfred A. Eger to the Historic District Commission Board.

Carried.

July 10, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the appointment of Georgia Brown to the Tri-County Senior Citizens Coordinating Information

Advisory Committee.

Mrs. Brown resides at 1341 Emerson (482-3953) and is an active community member. She is a volunteer in many activities, particularly the Lansing PTA for over 30 years. She has also received numerous special community awards for her services.

I trust you will give careful consideration to the appointment of Georgia Brown to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and confirm the appointment of Georgia Brown to the Tri-County Senior Citizens Coordinating Information Advisory Committee.

Carried.

July 10, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Mr. Al Purtill to the Board of Review. The term will expire June 1989.

I trust you will give careful consideration to the reappointment of Al Purtill to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and reappoint Al Purtill to the Board of Review.

Carried.

July 9, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Mr. Bill Brenke to the Board of Review. The term will expire June 1989.

I trust you will give careful consideration to the reappointment of Bill Brenke to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and confirm the reappointment of Bill Brenke to the Board of Review.

Carried.

July 9, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Max Zemer to the Board of Fire Commissioners. The term will expire in June 1990.

I trust you will give careful consideration to the reappointment of Max Zemer to this important Commission.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and confirm the reappointment of Max Zemer to the Board of Fire Commissioners.

Carried.

July 9, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Mr. Patrick J. Shurtliff to the Board of Electrical Examiners. The term will expire June 1989.

I trust you will give careful consideration to the reappointment of Patrick Shurtliff to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and confirm the reappointment of Patrick J. Shurtliff to the Board of Electrical Examiners.

Carried.

July 9, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Mr. Lance R. Lynch to

the Board of Fire Commissioners. The term will expire in June 1990.

I trust you will give careful consideration to the reappointment of Lance Lynch to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and confirm the reappointment of Lance R. Lynch to the Board of Fire Commissioners.

Carried.

July 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of Mr. Duane L. Allen to the Capital Area Transportation Authority. The term will expire September 1990.

I trust you will give careful consideration to the reappointment of Duane L. Allen to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and confirm the reappointment of Duane L. Allen to the Capital Area Transportation Authority.

Carried.

July 10, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from the Finance Director.

RE: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

Councilmember Blair left the meeting.

RESOLUTIONS**RESOLUTION #0294****PUBLIC IMPROVEMENT V****By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—**

Resolved by the City Council of the City of Lansing:

That the supplementary special assessment roll for Mall Maintenance 1985 Property Benefited: Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. Side only) to N. Grand Avenue, S. on N. Grand Avenue (both sides) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (both sides—exclude Reutter Park) to W. Allegan and on Capitol Avenue. Side Only) N. to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo.

Assessment Roll No.—WM-85—Location see above.

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rate amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before October 15, 1986.

Mall—Estimated-33,696; Actual-31,405
Side Street—Estimated-52,866; Actual 51,713
Total Refund—Estimated-86,562; Actual 83,118
Refund—Estimated-3,444

Notes: Actual includes deductions for the fees collected from the mall vendors.

The resolution for Public Improvement V was adopted by the following vote:

YEAS—Councilmembers Adado, Belen, Benavides, Creamer, Schmidt and Worthington—6.

NAYS—Councilmember Lindemann—1.

ABSENT—Councilmember Blair—1.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—**RESOLUTION #0295**

Resolved by the City Council of the City of Lansing:

ACT-20-86
S. Clemens Street

Whereas, the Public Service Department has requested the exchange of private property on the 1200 block of S. Clemens Street for a portion of City owned land situated adjacent the parcel owned by Mrs. Dorothea Porter; and

Whereas, the purpose for this land exchange was necessary to correct an error in the placement of a City wet well on a portion of Mrs. Porter's property; and

Whereas, the legal descriptions of the properties to

be exchanged are as follows:

A. To City from adjacent owner—East 73.75 feet of the north 8 feet of Lot 38, Avis Subdivision, City of Lansing, Ingham County, Michigan.

B. To adjacent owner from City—West 50 feet of south 59± feet of Lot 38, Avis Subdivision, City of Lansing, Ingham County, Michigan.

Whereas, the Planning Board has reviewed this request under the provisions of Act 285 of Michigan P.A. of 1931, and has unanimously recommended that the proposed land exchange be approved with the following stipulations:

1. That a stipulation be placed in the final resolution adopted by City Council that relieves the adjacent property owner from having to remit the value differential.

2. That the deeds be drawn and executed by the Property Manager after final verification of the legal descriptions.

3. That easements as required by various public and private utilities be provided.

Whereas, the City Council Committee on Public Safety and Properties has reviewed the request and concurs with the recommendations of the Planning Board, and also requires a written report on how this situation occurred be submitted from the Administration to the Committee.

Now, Therefore Be It Resolved that the City Council of Lansing approves of the property exchange as described above and with the following stipulations:

1. That the adjacent property owner is relieved from having to remit the value differential as required by City Ordinance.

2. That the deeds be drawn and executed by the Property Manager after final verification of the legal descriptions.

3. That easements as required by various public and private utilities be provided.

4. That the Administration submit a written report to the Public Safety and Properties Committee within one (1) week from the passage date of this resolution explaining how this situation occurred and the preventive measures to be taken to avoid future recurrence of similar errors.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT III**By COMMITTEE ON PHYSICAL DEVELOPMENT—****RESOLUTION #0296**

Resolved by the City Council of the City of Lansing:

That the special assessment roll for Jolly Road Reconstruction

Assessment Roll No. 298—St. Sewer, C&G & Rd. Reconst.

Property Benefited—All lands fronting on E. Jolly

Rd. from S. Pennsylvania Ave. to S. Cedar Street excepting all public streets & alleys & other lands deemed not benefited.

The estimated expense of said improvements is based upon construction bids received by Mich. Dept. of Transportation (MR 2003(083)).

Project number—PS 67051

Assessment Roll No.—298 C&G—Intersection and City Contribution—\$12,025.44—Assessable to property owners—\$19,221.71—Total Project Cost—\$31,247.15.

Rd. Work & St. Sewer—Intersection and City Contribution—\$280,855.45—Assessable to Property Owners—\$0.00—Total Project Cost—\$280,855.45.

Total—Intersection and City Contribution—\$292,880.89**—Assessable to Property Owners—\$19,221.71—Total Project Cost—\$312,102.60.

returned by the City Assessor be received and placed on file, and the City Clerk be directed to publish a notice thereof by publication in a local newspaper five days in accordance with Section 28-17, of Chapter 28 of the Code of Ordinances.

I hereby certify that funds are available for the City of Lansing's share of said project.

**FAUS Funds—\$233,720.87
401-787-010-974.668—\$20,000.00
401-900-000-974.3—\$38,421.41
202-452-202-974—\$738.61
Total—\$292,880.89

CHARLES S. REMENAR,
Deputy Controller.

The resolution for Public Improvement III (Resolved) was adopted unanimously.

PUBLIC IMPROVEMENT V

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0297

Resolved by the City Council of the City of Lansing:

That the supplementary special assessment roll for 17-B New Sidewalk construction on N. Logan Street.

Assessment Roll No. 17-B—Location—N. Logan—From—2610 N. Logan—To—2822 N. Logan.

Amount: \$17,034.58

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all person who have paid said tax as originally assessed the pro rate amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before October 14, 1986.

The resolution for Public Improvement V was adopted unanimously.

Councilmember Blair returned to the meeting.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0298

Resolved by the City Council of the City of Lansing:

Whereas, Ellen Lumbert became a charter member of the Friends of the Zoo Society in 1969; became a member of the Society's Board of Directors in 1970; and became its President in 1974; and

Whereas, Ellen has served in the position of President for the last twelve years, having been instrumental in the development of concession services, educational programs for keepers; creation of the free flight exhibits; the zoo school; and most recently the penguin exhibit; and

Whereas, Ellen actively served on the committee that developed the master plan for zoo renovation, and has worked diligently on behalf of the Society to raise funds necessary for these needed improvements; and

Whereas, much of the success of Potter Park Zoo depends on the efforts of private citizens such as Ellen Lumbert; and

Whereas, Ellen is planning retiring from her position as President in 1986;

Now, therefore, Be It Resolved, the City of Lansing and the Lansing City Council hereby recognizes Ellen Lumbert for her years of service to the community and Potter Park Zoo, and offers her our sincerest thanks and admiration.

Adopted by the following vote:

Unanimously.

Councilmember Blair left the meeting.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0299

Resolved by the City Council of the City of Lansing:

Whereas, Eva Blanche Nichols Burkert Lambertson was born July 19, 1886 in Clinton County's Bengal Township; and

Whereas, Eva began her lifelong teaching career at age 18 on November 14, 1904, earning \$25.00 per month for five young students near Bath, arriving early each morning after a one-mile walk to build a fire in the classroom stove; and

Whereas, over the years Eva continued her own education while teaching in a variety of schools, including several in the Lansing School District, from which she retired in 1950; and

Whereas, Eva has been very involved in community organizations, especially the Immaculate Heart of Mary Parish and its school, and has tutored many children at the request of friends, neighbors and relatives;

Now, Therefore, Be It Resolved the Lansing City Council hereby offers best wishes and warmest appreciation to Eva Nichols Burkert Lambertson on the occasion of her 100th Birthday for her dedicated service and contributions to the people of this community.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0300

Resolved by the City Council of the City of Lansing:

Whereas, a nuclear war would result in death, injury and disease on a scale unprecedented in human history; and

Whereas, spending for the arms race is contributing to record budget deficits that threaten our nation's economic security while programs providing essential assistance to communities throughout the country are being cutback; and

Whereas, a ban on nuclear testing would promote the security of the United States by constraining new developments in the U.S. Soviet nuclear arms competition and by strengthening efforts to prevent the spread of nuclear weapons to non-nuclear countries; and

Whereas, a ban on nuclear testing would be a concrete and easily achievable first step towards a complete halt and deep reductions of ever expanding nuclear arsenals; and

Whereas, a ban on nuclear testing can be verified with high confidence by a worldwide network of seismic monitors, satellites and other verification technology operated by the United States and other nations;

Now, Therefore, Be It Resolved, Lansing City Council calls upon the President to immediately respond to the Soviets' unilateral half of testing by joining them in a mutual and verifiable suspension of testing as a first step towards freezing and reversing the arms race. This body also calls upon the members of our congressional delegation to support legislation that would enact a moratorium on nuclear testing, to be continued as long as the Soviets do not test. Copies of this resolution shall be forwarded to the President and to the Senator and Representatives comprising our congressional delegation.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

a. Revising Sections 9B-1, 9B-3, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter.

b. Providing for the repeal of Sections 9E-4, 9E-5, and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect.

c. Amending Chapter 9E by revising Sections 9E-1,

9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by Council Resolution.

d. Providing for the repeal of Sections 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect.

e. Amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for Building in the city, providing for battery drainage systems, providing for the setting of fees by resolution were introduced by Councilmember Worthington read a first and second time by their titles and referred to the Committee on General Services.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0301

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, August 4, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the following Ordinances:

a. Revising Sections 9B-1, 9B-3, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter.

b. Providing for the repeal of Sections 9E-4, 9E-5, and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect.

c. Amending Chapter 9E by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by Council Resolution.

d. Providing for the repeal of Sections 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect.

e. Amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for Building in the city, providing for battery drainage systems, providing for the setting of fees by resolution.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the pur-

pose of presenting items that are not listed on the agenda.

Carried.

Letter from Edward H. Hoffman, Sr. and Benjamin Daniels, owners of property at 2222 W. Holmes Road, regarding unwanted trespassers on their property and the need for stronger enforcement from Police Dept. and Ordinances for the city.

Referred to the Mayor.

Councilmember Blair returned to the meeting.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

Mr. Boyd remarked on street closings in the city.

REMARKS BY THE CITY COUNCIL

Councilmember Creamer remarked on the fundraiser held Saturday by the Center on Handicapper Affairs—Little People vs City Council Basketball which raised \$2,000.00.

Councilmember Adado asked about hiring more policemen soon as the ratio of Breaking and Entering of Properties are high in the city.

Councilmember Schmidt asked about the PCB found in Crego Park this past week.

Councilmember Benavides introduced the new camera man Jeff Parker from Grand Rapids who will be driving from Grand Rapids to help with the cameras on Monday nights.

Michael Sarhan, 1900 Pleasant Grove Road, asked about the use of saw horses in the street ROW when he is mowing 600 ft., of city property.

Betty Gardner, 920 LeGrand, spoke regarding potholes and large cracks in Capitol Complex Area making it hard for state employees to walk across to work. Also remarked about street signs being missing in that area.

Beverly Miller, North Lansing Association, asked about sidewalk replacement in their area.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:00 P.M.

RITA M. BAUMAN,
City Clerk.

July 14, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

417

Proceedings, July 21, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

July 21, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

July 21, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983, said proposed amendment being as follows:

That the property described as: Z-14-86—5436 S. Cedar St. to be rezoned from "A" Residential District to "H" Light Industrial District.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed amendment(s) to the Classifications provided for in the Zoning Code, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

PUBLIC HEARING

July 21, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Industrial Facilities Exemption

Certificate for Planet Corporation, 2150 Apollo Drive.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Industrial Facilities Exemption Certificate, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

July 21, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed transfer of the Commercial Facilities Exemption Certificate from the B.F. Goodrich Co. to Martin Investment Properties.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed transfer of the Commercial Facilities Exemption Certificate they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

July 21, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed transfer of the Citizen participation Hearing for an Urban Development Action Grant for the renovation of the Olds Plaza Hotel and erection of a parking and retail structure near the hotel site.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed urban development action grant they will have the privilege of speaking at this time.

Those speaking and expressing concerns with UDAG Grants were:

Judy Gardi, 137 Allen St.
Rex LaMore, 609 N. Magnolia
John Jackson, 716 W. Shiawassee

Referred to the Committee on Economic Development.

By COUNCILEMEMBER LINDEMANN, ADADO,
SCHMIDT:

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following resolutions to the people involved.

Carried.

The MACA Grand Tour for Children resolution was presented to Carl LaTona, Director of Camp Highfields and the St. Vincent Family Reunion Days resolution was presented to Mike Wolfston.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0302

Resolved by the City Council of the City of Lansing:

Whereas, the MACA Grand Tour for Children, a road rally event scheduled for July 25-27, 1986, begins with a kick-off in Lansing on Friday, July 25, 1986; and

Whereas, the Michigan Association of Children's Alliances (MACA) is a unique organization comprised of public and private children's agencies dedicated to improving services to children in our state; and

Whereas, the purpose of the MACA Grand Tour for Children is to raise funds for MACA and bring visibility to this fine organization which provides many invaluable services to Michigan's children and their families; and

Whereas, participants in the MACA Grand Tour for Children will circumnavigate both Michigan peninsulas along some of the state's most beautiful and challenging roads, departing from Lansing's Riverfront Park as part of the St. Vincent Home Family Reunion Days; and

Whereas, the Lansing City Council feels that this event is deserving of special attention due to its uniqueness and the importance of the service's provided by the MACA;

Now, Therefore, Be It Resolved the Lansing City Council hereby officially gives it support to the MACA Grand Tour for Children; and

Be It Further Resolved, on behalf of the citizens of Lansing, the City Council welcomes participants to our city, and wishes them a safe, enjoyable and successful journey.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0303

Resolved by the City Council of the City of Lansing:

Whereas, the 1986 St. Vincent Home for Children Family Reunion Days is scheduled for July 25 and 26 in Lansing's Riverfront Park; and

Whereas, the St. Vincent Home for Children serves

the Lansing community in an extremely important way, providing a broad range of child and family-oriented services, such as Foster Care, Adoption, Residential Treatment, and Senior Companion Program; and

Whereas, Family Reunion Days is an annual event which commemorates the American family and thanks the Lansing Community for their support of St. Vincent Home's programs such as the Lindemann Memorial Building Fund; and

Whereas, activities planned for the two-day Family Reunion Days event includes a city-wide luncheon, the kick-off of the MACA Grand Tour for Children road rally, and lots of music, sports, food, and games;

Now, Therefore, Be It Resolved, the Lansing City Council hereby gives its support to the 1986 St. Vincent Home for Children Family Reunion Days; and

Be It Further Resolved, on behalf of the St. Vincent Home, the City Council extends an invitation to all citizens of Lansing to come to Riverfront Park July 25 & 26 to join in the festivities for this exciting event.

Adopted by the following vote:

Unanimously.

RESOLUTION #0304

Resolved by the City Council of the City of Lansing:

JULY 21, 1986

Whereas, Mr. Eugene L. Loyd passed away on Saturday, July 19, 1986, at the age of 72; and

Whereas, Mr. Loyd was a longtime resident of Lansing who touched the lives of many through his involvement with a variety of Lansing organizations, including the Lansing Model Cities Program, of which is was President, the American Association of Retired Persons South Lansing Chapter, of which he was President-elect, and as a life member of the Elks I.B.P.O.E of the World, among many, many others; and

Whereas, Mr. Loyd was warm, outgoing and gentle man, held in high esteem by all who knew him;

Now, Therefore, Be It Resolved the Lansing City Council hereby recognizes the lifetime of community service and accomplishments of Mr. Eugene Loyd; and

Be It Further Resolved, on behalf of all citizens of Lansing, the City Council expresses heartfelt sympathy to Mr. Loyd's wife of 52 years, Jane Loyd, and to the entire Loyd family.

Adopted by the following vote:

Unanimously.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Resolution #3F was pulled from the agenda.

Al LeBlanc, 2021 Cumberland Rd., representing River Forest Neighborhood Association spoke regarding Communication #6, (proposed Noise Ordinance)

Susan Wood, 2241 Cumberland Rd., spoke regarding proposed Noise Ordinance.

Marsha Mitchell, 5909 Superior St., spoke regarding noise at a house on Superior St. Also presented petitions from residents.

Tina Wakefield, 5946 Superior St., spoke regarding noise.

Hugh T. Benson, 1018 W. St. Joe, spoke regarding resolution 1a—denial of public driver license. Others speaking regarding this were: Richard Allen Benson, 301 W. Lenawee; Mary Haney; Rev. Earlene South, 1524 Wisconsin and Jeffrey L. Hunt, 1122 W. Ottawa St.

Robert Franks, 115 S. Foster spoke regarding need of Noise Ordinance for Commercial business too. Commented on the noise from Quality Dairy Co. bothering his residential neighborhood.

Joe McMillan, 116 S. Francis, spoke regarding the noise from Quality Dairy and Arthur Treacher's and the need for Noise Ordinance.

Helen LeBlanc, 2021 Cumberland Rd., spoke regarding Communication #6 and the need of Noise Ordinance for Commercial properties.

John Jackson, 716 W. Shiawassee spoke in support of a Noise Ordinance.

Steven T. Floyd, 118 W. Lenawee, spoke regarding his claim (item 2b) on the agenda.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Cabaret—Hayloft Saloon, Bootlegger's, Slammer's.

Peddler—David Gipson.

Sign Erector—Warren Sign Co.

Automobile Wrecker—Jack's Automotive Service, Roger's Towing, Auto Salvage.

Public Driver—John L. Patterson

Mechanical Amusement Device—Westbank.

Referred to the Committee on General Services.

a. Mr. and Mrs. James R. Brown, 3227 Sunderland Rd., for damages to home due to city drain back-up.

Referred to the City Attorney.

b. Steven T. Floyd, 118 W. Lenawee, regarding payment of recent claim for motorcycle storage fees.

By COUNCILMEMBER SCHMIDT—

I move that we pay this claim as set forth in the council resolution last week on July 14, 1986.

Carried.

c. Frederick Watson, 3121 Trappers Cove Trail #2B, for damages to automobile from debris in roadway on I-496 near Jolly Rd. exit.

Referred to the City Attorney.

Petition filed by residents requesting that the 7-11 Store, 2525 E. Jolly Rd. to not have liquor license renewed until all access to Eastlawn is closed off other than a pedestrian walkway.

Referred to the Mayor.

Petitions filed by retired City Workers for docked city pay in 1967.

Referred to the Mayor.

Dave Aldrich, Mason, MI, submits letter regarding closing of miniature train ride in Potter Park Zoo due to insurance costs.

Referred to the Mayor and the Committee on General Services.

Al LeBlanc, River Forest Neighborhood Assoc. submits letter regarding the proposed noise ordinance.

Referred to the Committee on Public Safety and Properties.

Connie Ramseyer, member of the Bath Sesquicentennial Beautification Committee, submits letter asking clean-up of Prigooris Park.

Referred to the Mayor.

Michigan Municipal League submits information on progress of MML-sponsored self-insurance pools.

Received and placed on file.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 2a (Correspondence from Dept. of Natural Resources regarding Crego Park); 2b (Job Sharing); 2c (ECD Temporary Directors/Apothecary Project); 2d (Capitol Commons) and 2h (Request to convert Clippert Street to Two-Way).

Councilmembers Blair and Lindemann left the meeting.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Cabaret—Hayloft Saloon, Bootlegger's, Slammer's.

Peddler—David Gipson.

Sign Erector—Warren Sign Co.

Automobile Wrecker—Jack's Automotive Service, Roger's Towing, Auto Salvage.

Public Driver—John L. Patterson
Mechanical Amusement Device—Westbank.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the responsibility for review of applications for Public Driver licenses,

Reports as follows: The recently-approved revisions to the Vehicles for Hire chapter of the City Code of Ordinances permits the designation of a hearing officer to hold hearings on Public Driver applications recommended for denial. The Committee hereby appoints the City Attorney or his designee as hearing officer for all applications for new Public Driver licenses recommended for denial. The hearing officer shall follow procedures stipulated in Section 33-29 of the City Code and report proposed findings and a proposed conclusion to the Committee.

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

DATE: July 16, 1986

TO: President Tony Benavides and Members Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade application—Wolverine Sports Club, etc.

Attached is a parade application from the Wolverine Sports Club, Michigan Bicycling Federation and Lansing Parks and Recreation for a bicycle race to be held at Noon on Thursday, July 24, 1986, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$346.28, which represents one Sergeant, five Police Officers and six vehicles for 2½ hours.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade application be approved for July 24, 1986.

Carried.

DATE: July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Natural Resources Regarding Crego Park.

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: July 16, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Job Sharing.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on General Services.

July 16, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Timothy Nichols and Robert Forgrave as Temporary Directors for the Economic Development Corporation Apothecary Project. Both gentlemen serve as Temporary Directors on other EDC projects.

I trust you will give careful consideration to the appointment of Timothy Nichols and Robert Forgrave to this important project.

Best personal regards,

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER ADADO—

I move to confirm the appointment of Timothy Nichols and Robert Forgrave as temporary directors for the EDC Apothecary Project.

Carried.

DATE: July 16, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Planning & Municipal Development.

RE: Capitol Commons

The attached recommendation and Agreement is submitted with my concurrence for your approval and action.

TERRY J. McKANE,
Mayor.

Referred to the Committees on Physical Development and Economic Development.

July 16, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Debbi Estfan: Roberts Lane & Riley Street.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Tax Abatement Application Reviews

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Economic Development.

July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Convert Clippert Street to Two-Way

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Election of Traffic Board Officers for 1986-87.

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

The attached correspondence is submitted for your information.

Received and placed on file.

DATE: July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Jolly Rd. at Logan St.: No Turn On Red

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: July 17, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Miller Rd. and Haag Rd.: Traffic Signal Request

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

Councilmember Blair returned to the meeting.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0305

Resolved by the City Council of the City of Lansing:

Whereas, an application for a new public driver license was submitted by Richard Allen Benson on June 10, 1986; and

Whereas, the Assistant Chief of Police recommended disapproval of the application under the provision of Section 30-5(1)(h) of the City Code, due to a felony conviction on Mr. Benson's record within five years of his application for licensing; and

Whereas, the Committee on General Services reviewed the Police Department report on June 17, 1986, and concurred in the recommendation to disapprove the application; and

Whereas, the City Council did disapprove Mr. Benson's public driver license application on June 23, 1986; and

Whereas, Mr. Benson requested and was granted a hearing before the Committee on General Services to appeal the Council's action; and

Whereas, such hearing began on July 8, 1986, was recessed for one week after presentation of testimony, and was concluded on July 15, 1986, with a recommendation to re-affirm the disapproval of the license application;

Now, Therefore, Be It Resolved the Lansing City Council hereby re-affirms its action of June 23, 1986, disapproving Richard Allen Benson application for a public driver license; and

Be It Further Resolves City Clerk shall provide the applicant with a certified copy of this resolution.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Blair, Schmidt and Worthington—5.

Nays: Councilmembers Benavides and Creamer—2.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0306

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 214 S. Hosmer legally described as:

214 S. Hosmer (3301-15-302-221)
N 2½ R of S 5 R Lot 9 EXC W 4 R
Thereof Block 6 Green Oak Add

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on May 29, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on July 14, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore Be It Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0307

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1630 N. High legally described as:

1630 N. High (3301-10-107-081)
S 42 Feet of Lot 15 Block 1, Ballard's Add

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on May 29, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on July 14, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore Be It Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0308

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 811 N. Chestnut legally described as:

811 N. Chestnut (3301-09-360-161)

Lot 4 Block E Sub of Blocks 26 & 27 Orig Plat

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on May 29, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on July 14, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore Be It Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0309

Resolved by the City Council of the City of Lansing:

Whereas, the construction of a public roadway connecting East Michigan Avenue and East Shiawassee Street in the vicinity of the 600 Block of East Michigan Avenue will resolve certain traffic flow, congestion, access, and parking problems in that area; and

Whereas, the City of Lansing has decided to construct such a roadway; and

Whereas, the City of Lansing has set aside Community Development Block Grant funds and has proceeded with negotiations to acquire property located within the area needed for the construction of this roadway; and

Whereas, the Department of Planning and Municipal Development has submitted a good faith offer to the C&O Railroad to purchase the necessary property at a value not less than the fair market value of the property as determined by an independent appraiser; and

Whereas, the Department of Planning and Municipal Development has allowed the C&O Railroad to review the independent appraisal on the property needed for this roadway; and

Whereas, the C&O Railroad did not accept the good faith written offer of the City to purchase its property, and the City and C&O Railroad have not reached an agreement for the purchase of the C&O Railroad property by the City; and

Whereas, sufficient Community Development Block Grant funds are available to purchase the property needed for this roadway at the value of the property as determined by the independent appraiser and said sum has been deposited with the City Treasurer; and

Whereas, the C&O Railroad is not using the property necessary for the roadway for railroad purposes;

Now, Therefore, Be It Resolved by the City Council of the City of Lansing that it is necessary for a roadway to be constructed connecting East Michigan Avenue and East Shiawassee Street in the vicinity of the 600 Block of East Michigan Avenue in order to ease traffic flow, congestion, access, and parking problems within the above described area and that said construction will be beneficial to the residents of the City of Lansing; and

Be It Further Resolved that the City of Lansing intends to construct the roadway; and

Be It Further Resolved that the property owned by the C&O Railroad, which the City has been unable to acquire from the C&O Railroad, is necessary for the construction and operation of the roadway; and

Be It Finally Resolved that the City Attorney's Office be and is hereby authorized to commence condemnation proceedings under the applicable State law in order to acquire the property needed for this roadway, thus ensuring the construction of the roadway.

Adopted by the following vote:

Unanimously.

Councilmember Blair left the meeting.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0310

Whereas, on October 15, 1980, the City of Lansing, Building in Lansing's Development Corporation and EJS Housing Partnership did enter into a Contract for Sale of Land for Private Development for the development project known as Capitol Commons; and

Whereas, EJS Housing Partnership has proposed Amendment No. 1 to Part I of this Contract, which among other things, would allow EJS Housing Partnership to construct an office building instead of residential condominiums on Parcel I and would allow

EJS Housing Partnership to construct one hundred and twenty (120) garden apartments while deleting the requirement to construct ten (10) townhouses on Parcel V; and

Whereas, EJS Housing Partnership has agreed that, if it is unable to close on Parcel I within eighteen (18) months of execution of this Amendment or close on Parcel V within twenty-four (24) months of this Amendment, it waives all rights under the Contract, as amended, to purchase each parcel.

Now, Therefore, Be It Resolved, by the City Council of the City of Lansing, that Amendment No. 1 to Part I of Contract for Sale of Land for Private Development for Capitol Commons be and is hereby approved and that the Mayor and City Clerk be and are hereby authorized to execute said Contract Amendment on behalf of the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0311

Resolved by the City Council of the City of Lansing:

Whereas, Stovring Marimbas from Stovring, Denmark visited the City of Lansing July 23-25, 1986; and

Whereas, Stovring Marimbas, under the leadership of Kay Henning Pedersen, Tour Director, and Jesper Mikkelsen, Music Director, demonstrated outstanding musical abilities and a highly commendable commitment to the goals of international friendship and understanding through the international language of music;

Now, Therefore, Be It Resolved: That the City of Lansing declare Thursday, July 24, 1986, as Stovring Marimbas Day in Lansing and congratulate the Tour Director Kay Henning Pedersen, Conductor Jesper Mikkelsen, and Stovring Marimbas for the exemplary manner in which they have achieved musical excellence, international friendship, and goodwill; and

Be It Further Resolved: that a copy of this resolution be presented to Stovring Marimbas as evidence of the high regard in which they are held by the citizens of the City of Lansing.

Adopted by the following vote:

Unanimously.

RESOLUTION #0312

CITY COUNCIL CITY OF LANSING

RESOLUTION APPROVING SUPPLEMENTAL CONTRACT OF LEASE

At a regular meeting of the City Council, City of Lansing, Ingham and Eaton Counties, Michigan, held on the 21st day of July, 1986, at 7:00 o'clock, P.M., in the City Hall, Lansing, Michigan.

The following resolution was offered by Councilmember Belen who moved its adoption, and seconded by Councilmember Schmidt.

Whereas, pursuant to the provisions of Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"), the City Council of the City of Lansing has authorized and directed the incorporation of the City of Lansing Building Authority; and

Whereas, the City of Lansing and the City of Lansing Building Authority have entered into a Contract of Lease (the "Contract of Lease") dated as of June 1, 1985, pursuant to which the City of Lansing Building Authority has agreed to acquire, construct, furnish, equip and finance (1) an extension of the North Grand Avenue parking garage and (2) a pedestrian walkway to connect the North Grand Avenue parking garage to a new hotel and exhibition hall (the "Project") and lease the Project to the City of Lansing; and

Whereas, pursuant to the Contract of Lease and a Bond Resolution adopted by the City of Lansing Building Authority on July 18, 1985, the City of Lansing Building Authority has issued its Building Authority Bonds, Series 1985, in the aggregate principal amount of \$6,600,000, to finance the cost of the Project; and

Whereas, the City of Lansing Building Authority has determined that the pedestrian walkway portion of the Project cannot be completed within the estimated cost and, pursuant to the Contract of Lease, the City of Lansing Building Authority has so notified the City of Lansing in writing and has specified the amount of additional funds required to complete the Project; and

Whereas, in order to provide the additional required funds for completing the acquisition, construction, furnishing, equipping and financing of the Project and to make possible the issuance of building authority bonds to defray the additional cost of completing the Project, it is necessary for the City of Lansing and the City of Lansing Building Authority to enter into a Supplemental Contract of Lease; and

Whereas, a proposed Supplemental Contract of Lease between the City of Lansing and the City of Lansing Building Authority has been prepared and presented to this City Council; and

Whereas, it is necessary and desirable for the City of Lansing to enter into the proposed Supplemental Contract of Lease with the City of Lansing Building Authority.

Now, Therefore, Be It Resolved that:

1. The Supplemental Contract of Lease is hereby approved and the Mayor and City Clerk are each hereby directed to execute the Supplemental Contract of Lease on behalf of the City of Lansing and to deliver the same to the City of Lansing Building Authority.

2. The Mayor and City Clerk shall execute and deliver as many copies of the Supplemental Contract of Lease as they shall, in their discretion, deem necessary or desirable.

3. Copies of the Supplemental Contract of Lease this day presented to the City Council shall be attached to the minutes of this meeting and placed on file in the office of the City Clerk.

4. Except as the contract of Lease may be supplemented by the Supplemental Contract of Lease, the Contract of Lease between the City of Lansing and the City of Lansing Building Authority, dated June 1, 1985, is hereby ratified and affirmed by the City

Council.

Lost by the following vote:

Yeas: Councilmembers Belen, Benavides, Schmidt and Worthington.

Nays: Councilmember Adado and Creamer.

Absent: Councilmembers Blair and Lindemann.

By COUNCILMEMBER BELEN—

That we have a call of the house for voting. (Councilmember Blair returned to the meeting.)

Lost by the following vote:

Yeas: Councilmembers Belen, Benavides, Schmidt and Worthington.

Nays: Councilmember Adado, Blair and Creamer.

Absent: Councilmember Lindemann.

By COUNCILMEMBER ADADO—

I move to reconsider the vote on the resolution.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

I move for the adoption of the resolution.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Schmidt and Worthington.

Nays: Councilmembers Blair and Creamer.

Absent: Councilmember Lindemann.

The foregoing Resolution was adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, at a regular meeting duly held on the 21st day of July, 1986.

RITA M. BAUMAN,
City Clerk,
City of Lansing

RESOLUTION #0313

By COMMITTEE OF THE WHOLE—

Resolved by the City Council of the City of Lansing:

Whereas, the Public Service Director presented the final design plans for an elevated pedestrian walkway, or "Pedway", that would span Grand Avenue and the Grand River to link the City's Convention/Exhibition Center, now under construction, with the 100-Block Radisson Hotel, also under construction, to the City Council for the review on July 17 1986; and

Whereas, the only concern raised by the Council was proper screening and buffering of the HVAC unit for the Pedway, which will be located at ground level in Wentworth Park;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the final design plan for the Pedway as presented by the Public Service Director at

the Committee of the Whole meeting of July 17, 1986, provided proper screening and buffering of the Pedway's HVAC unit is incorporated in the project design.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Schmidt and Worthington.

Nays: Councilmember Creamer.

Absent: Councilmember Lindemann.

RESOLUTION #0314

By COMMITTEE ON WAYS AND MEANS—

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$14,000.00 from Gen. Fund Reserve for Contingency
A/C 101-941-000-963

\$14,000.00 to C.I.P. Pedestrian Overpass Relocation
(Relocation of Pedestrian overpass from Saginaw at Oak Park to S. Pennsylvania as recommended by the Mayor and approved by Public Safety & Properties and by Ways & Means Committee)

\$4,133.12 from Planniung & Mu. Dev. DCBG 11th
Yeas Relocation—Capitol Commons

A/C 252-841-011-844.61

4,133.12 to Planning & Mun. Dev. CDBG 11th Year
Acquisition NSA #1

A/C 252-839-011-971.11

(Provide funds for Property Management expenses on City owned properties in NSA #1, including Capitol Commons.)

The balance in the Reserve for Contingency fund after this transfer is \$872,833.00.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR
Ways and Means Committee

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Amending Section 31-186 of Chapter 31 for the purposes of reducing the lawful speed limit on Pleasant Grove Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd.

introduced by Councilmember Blair was read a first

and second time by its title and referred to the Committee on Public Safety and Properties.

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Providing that Chapter 29 be amending by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area pursuant to the rehabilitation of Blighted Areas Act of 1945" consisting of Section 29-21 through Section 29-25 inclusive was introduced by Councilmember Creamer was read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #0315

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, July 28, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinance amending Section 31-186 of Chapter 31 for the purpose of reducing the lawful speed limit on Pleasant Grove Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd.

Adopted by the following vote:

Unanimously.

RESOLUTION #0316

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, July 28, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving providing that Chapter 29 be amending by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area pursuant to the rehabilitation of Blighted Areas Act of 1945" consisting of Section 29-21 through Section 29-25, inclusive.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That Councilmember Lindemann be excused from the session:

Carried.

REMARKS BY THE MAYOR

Announced Street closures for the coming week.

Bicycle Race to be held Thursday starting on the Capitol lawn.

Announced the Grand Opening of the ramp on Grand Avenue to be held August 18, 1986.

REMARKS BY THE CITY COUNCIL

Councilmember Adado commented on the hiring of nine police officers.

Mary Haney spoke regarding police work in the city and problems with a property on Center Street.

Elnora Smith, 1526 Ballard Street, spoke and presented a claim for damages to her home from sewer back-up from storm in June. The claim was referred to the City Attorney.

Lester Hansens, 3135 North Grand River Avenue, introduced Rev. Bud Buchner, Michigan Ave. street pastor.

Gary Andress, 560 Brookland Blvd. spoke regarding a communication presented to City Council in April and regarding the waste site at the Everett Elementary School Site.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:55 p.m.

RITA M. BAUMAN,
City Clerk.

July 21, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

429

Proceedings, July 28, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

July 28, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the council proceedings of June 23 and 30, 1986 be approved.

Carried.

REVIEWING ASSESSMENT ROLLS

ROLL NO. 302

This is the time set for hearing appeals on the special assessment roll for curb and gutter and storm sewer for all lands fronting on Tressa Dr. from—Jolly Rd. to north end of street excepting all public streets and alleys and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter for all lands fronting on Cypress St. from Roosevelt St. to Knollwood St. excepting all public streets and alleys and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter and storm sewer for all lands fronting on Durwell St. from Haag Rd. to Hughes Rd. excepting all public streets and alleys and other land deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter, storm sewer and sanitary sewer for all lands fronting on Ferrol St. from Christiansen Rd. to the East end of the street excepting all lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter for all lands fronting on Yunker St. from Miller Rd. to approx. 160 ft. S. of Victoria (end of St.) excepting all public streets and alleys and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter for all lands fronting on Barker St. from Southfield to Victoria St. excepting all public streets and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter for all lands fronting on Shreve St. from Southfield to Victoria St. excepting all public streets and alleys and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter for all lands fronting on Daft St. from Miller Rd. to Victoria excepting all public streets and alleys and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter and storm sewer for all lands fronting on Daft St. from Miller Rd. to Hein Ave. excepting all public streets and alleys and other lands deemed not benefited.

This is the time set for hearing appeals on the special assessment roll for curb and gutter and storm sewer for all lands fronting on Victoria St. from Daft St. to Yunker St. excepting all public streets and alleys and other lands deemed not benefited.

Speakers in opposition to work on their streets were:

Paul Fleisher, 6221 Daft St.
David Beck, 1810 Ferrol Street
Thomas Groesser, 1309 Victoria
Donna Erwin, 6029 Daft St., spoke regarding payment plan for the Special Assessment.

Speakers in favor of the work on the streets were:

Robert Moye, 825 Cypress St.
Richard Harmon, 1201 Southfield
David Ames, 6241 Shreve St.

Referred to the Committee on Physical Development.

PUBLIC HEARING

July 28, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the

time and place set as the time for holding a public hearing on the proposed Impact Analysis Hearing for an Urban Development Action Grant for the renovation of the Olds Plaza Hotel and erection of a parking and retail structure near the hotel site.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed impact analysis hearing for an urban development action grant they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

July 28, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance Providing that Chapter 29 be amended by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area pursuant to the rehabilitation of Blighted Areas Act of 1945" consisting of Section 29-21 through Section 29-25, inclusive.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

July 28, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance amending Section 31-186 of Chapter 31 for the purpose of reducing the lawful speed limit on Pleasant Grove Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Public and Properties.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

City Attorney letter #1d and Resolution #3 were pulled from the Agenda.

Representative Dave Hollister, spoke in regard to

Bill being considered by the Legislature regarding funding of payments for Housing for the low income people.

Allan S. Falk, 2001 No. Fairview St. spoke regarding rezoning petition Z-7-86—1903 Wood and 1804 David St. He was opposed to the rezoning—Other speakers opposing this were:

Ervin Dart, 2016 Wood St.

Carol Banbury representing the Neighborhood Protest Committee.

Michael Eyia, Holt, MI, representing his parents Miquel Eyia at 1900 Wood St.

David McCardel, petitioner, spoke in favor of rezoning.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—Carlos M. DeHuelbes, Ralph S. Fellows, Matthew J. Mathews.

Mechanical Amusement Device—Lucky's

Beer and Wine Carry-Out—Superior Distributing, Inc.

Referred to the Committee on General Services.

Suits filed against City of Lansing re:

a. Consolidated Rail Corp. for charges incurred in operating expense of flasher and maintenance at Gier St. Railroad crossing filed in 54A District Court.

b. Dorothy C. Loudenslager, 1922 E. Willard St. and Bruce & Carl Matteson, 1924 E. Willard St., vs City, Clark Construction Co., Waverly Leasing Co. and McNamee, Porter and Seeley, Inc. for damages to their property in the construction of the wastewater pumping station in their area (suit filed in Circuit Court).

Referred to the City Attorney.

Claims filed by:

a. Carolyn L. Terrill, 1625 Springfield Lane, for injuries received in a fall at the City Market on January 4, 1986.

b. Attorney Eric E. Kauma files notice of claim for sewer damages on behalf of Richard and Helen Fiser, 1909 E. Willard.

c. Richard Springs, 210 S. Butler St., for removal of special assessment charge for lawn mowing.

Referred to the City Attorney.

Christopher Stralkowski, 3406 Glasgow Ave. submits letter requesting city help for sewer drain problem in their area and the cost and clean-up of her basement.

Referred to the City Attorney.

Petitions filed for rezonings:

a. Z-22-86—Southwest corner of W. Mt. Hope and Bradley St. described as, Lots 8 and 9 Rockford Subd., a part of the N. half of the N.W. ¼ of section 28 T4N, City of Lansing, Ingham Co., MI to be rezoned from "C" Residential District to "F" Commercial District by Dale A. Nemeth.

b. Z-23-86—Southwest corner Pine and Kalamazoo, Parcel 1, Capitol Commons New Development Area, described as, Lot 6 Capitol Commons No. 2, City of Lansing, Ingham Co., Michigan, to be rezoned from C.U.P. District to D-1 Professional Office District by E.J.S. Housing Partnership.

c. Z-24-86—1035 E. Saginaw St., described as, Lots 29 and 30, except the south 7 feet thereof, Plat of Metlin Addition, to the City of Lansing, Ingham County, Michigan, to be rezoned from "C" Residential District to "D-1" Professional Office District by Charles J. Abraham.

Referred to the Mayor and Planning Board.

Application for Transfer of Commercial Facilities Exemption Certificate on property located at 112-116 N. Larch St. filed by Joseph Covelio.

Referred to the Mayor and Committee on Economic Development.

Letter from the Detroit City Council requesting Council opposition to Senate Bill 392 amending Home Rule Act.

Referred to the City Attorney and the Committee of the Whole.

Public Securities Assoc. submits notice to Local Government Issuers of Tax-exempt Bonds urging support of the Senate version of the tax reform bill.

Received and placed on file.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters, 2a (Appointment of John Decker to the Downtown Mall Advisory Board); 2b (Reappointment of William Letts to Economic Development Corporation Board); 2c (Dun & Bradstreet Publication regarding Lansing's Building Permit Value); 2d (911 Technician Proposed Contract and Financial Impact Statement); 2e (Relocation of Animals—Feline/Primate House) and 2f (Notice of Abandoned Vehicle Auction).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—Carlos M. DeHuelbes, Ralph S. Fellows, Matthew J. Matthews

Mechanical Amusement Device—Lucky

Beer and Wine—Superior Distributors, Inc.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON:

That the report of the Committee be adopted.

Carried.

By COUNCILMEMBER CREAMER—

I move to substitute this Committee Report for the one in the packet as this is more detailed.

Carried.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the request for rezoning the property identified as 1903 Wood Street or 1804 David Street was referred:

Reports as follows: The Committee concurs in the request for rezoning the property identified as 1903 Wood Street or 1804 David Street from "A" residential to "DM-1" residential for the reasons that 1) compatibility of the use as proposed in the proposed rezoning with the surrounding area exists in that (a) there are non-residential uses immediately to the north of the subject property and even further north exists higher density residential development; (b) there exists permanent open space to the south; (c) there exists a minor arterial to the east which separates the more intense development west of Wood Street and low density development east of Wood Street; and (d) developer's proposal reflects greater building setbacks with additional landscaping, screening and buffering along Wood Street and David Street; 2) the location of the subject property is on the edge or perimeter of an "A" residential zoned district; 3) that access from the proposed development on the subject property is to be on Wood Street, a minor arterial, which the Traffic Engineer has indicated does not result in a detrimental impact on traffic flow or capacity on Wood Street; 4) That the Master Plan does not conflict or is not inconsistent with the proposed rezoning because the Master Plan is silent as to low, medium or high density usage of the subject property and the Master Plan does propose that Wood Street remain a minor arterial; 5) that the developer proposes development which is attractive for senior citizens and retirees in the Lansing community which the developer has indicated fulfills a need in the Lansing community; 6) that the developer proposes to retain as many of the natural trees on the site as possible and 7) that the sewers currently in existence can handle the development needs as proposed.

Signed:

CHARLES CREAMER
LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Yeas: Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—7.

Nays: Benavides—1.

REPORTS OF CITY OFFICERS AND BOARDS

July 22, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Kenneth Woods in the amount of
\$19.50

Dear President Benavides and
Members of Lansing City Council:

On June 23, 1986, City Council received the claim of Lansing Police Officer Kenneth Woods in the amount of \$19.50 for damaged eye glass frames. Officer Woods states the frames were broken while on duty and participating in a defensive tactics training course. Investigation by this office confirms the officer's factual assertions.

Where a municipal officer incurs a loss in the discharge of his official duty in a matter in which the corporation has an interest, and in the discharge of a duty imposed or authorized by law, and in good faith, the municipal corporation has the power to appropriate funds to reimburse him, unless expressly forbidden. The test in all such cases is, did the act done by the officer relate directly to a matter in which the city had an interest, or affect municipal rights or property, or the right or property of the citizens which the officer was charged with a duty to protect or defend. 3 McQuillin, Municipal Corporations (3d ed), section 12.137, p. 518. In Michigan, there is neither a legal prohibition against such reimbursement nor a legal obligation to do so. Court decisions have held that a municipality may reimburse its employees for expenses incurred in fulfilling their bonafide duties as public employees, although a municipality is not legally obligated to do so. *Horton v. Kalamazoo*, 781 Mich App 78 (1978).

Based on the facts presented, there appears to be no question that Officer Woods' loss resulted in the course of the performance of his duties as a police officer and not as a result of his negligence.

Nevertheless, although it may seem somewhat inequitable, it is this office's duty to advise you that on a strictly legal basis, the City is not obligated to pay this claim.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

I move that we pay this claim in the amount of \$19.50 payable to Kenneth Woods.

Carried.

Councilmember Adado left the meeting.

July 22, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Marsha Tracey in the amount of \$87.31

Dear President Benavides and
Members of Lansing City Council:

On March 24, 1986, City Council received a claim from Marsha L. Tracey, St. Johns, for vehicle damage and service in the amount of \$88.32. Claimant states she was driving east in the left lane of Saginaw near Pine Street on March 4, 1986 when she struck a pothole with her 1986 Ford Escort. Claimant says the pothole was hidden by a mud puddle. The damage was limited to a punctured tire, which she replaced for \$73.32 (the second estimated obtained was \$72.31), and a \$15.00 charge to have the spare tire installed to make the car drivable. Total damages should be \$87.31. Claimant carried insurance with \$250.00 damage deductible.

Investigation by the Public Service Department indicates that no pothole complaints were received for the area of West Saginaw and Pine Streets prior to March 10 and 11. Each of these calls was responded to within 24 hours.

Michigan law excuses a municipality from liability for damages caused by defective highways unless it had or should have had knowledge of the defect and had a reasonable time to repair it. MCLA 691.1403.

According to the above, it is clear that the City was not aware of the pothole at the time Claimant incurred damage. Pavement break-up damage occurs very quickly during spring freeze-thaw cycles, and the Public Service Department repaired reported defects in the area soon after it received information of their existence.

Based on the above, it is the recommendation of this office that this claim be denied based on governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

July 22, 1986

President Benavides and
Members of Lansing City Council

Re: Council Claim of John P. Phillips

Dear President Benavides and
Members of Lansing City Council:

On June 18, 1986, John P. Phillips, 2677 Gilbert Road, Lansing, filed a claim against the City for damages allegedly incurred during a policy drug raid on May 13, 1986 at his property at 714 Johnson Avenue, Lansing.

This matter was investigated by the Lansing Police Department which reported that the Tri-County Metro Narcotics Squad conducted a drug raid at the above place and time. The Tri-County Metro Narcotics Squad is a separate entity from the City, and any claims made regarding that unit and this raid should be directed to that unit. Nevertheless, in terms of City police officer participation in that unit, the

raid was conducted pursuant to warrant. Forced entry into the apartment was necessary because the suspect tenant refused entry to the Metro unit officers. Gunshots were fired during which one of the officers was injured, and property was damaged in the ensuing scuffle. The damage caused by the entry does not appear to be more than was reasonable and necessary under the circumstances.

Ross v Consumers Power Co., (1984) 420 Mich 567, held that all governmental agencies are immune from tort liability for injuries arising out of the activities expressly or impliedly mandated or authorized by law. The investigatory report does not reveal any facts which would fall outside of this sphere. Accordingly, a copy of this claim and resolution should be referred to the Tri-County Metro Narcotics Squad and any claims made properly against the City should be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

Councilmember Adado returned to the meeting.

July 22, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Anna Castle

Dear President Benavides and
Members of Lansing City Council

On June 2, 1986, Anna Castle, 525 S. Hayford, Lansing, filed a claim for \$1,550.00 as compensation for personal property she alleges was recovered stolen property wrongfully sold by the City at auction as of this date.

This matter was investigated by the Lansing Police Department, which reported that on May 20, 1985, it took a complaint of a recent breaking and entering (B&E) at the residence of Art Eastman, 226 Shepard, Lansing, where claimant's personal property had been located. The police officers in charge of investigation of the B&E and control of personal property provided written reports that her property has not been recovered and has not been sold at auction.

Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

July 22, 1986

President Benavides and Members
Lansing City Council

RE: Claim of Billy and Helen Hall in the amount
of \$61.88

Dear President Benavides and
Members of Lansing City Council:

On February 13, 1986, Bill and Helen Hall submitted a claim in the amount of \$61.88. Claimants state that on January 21, 1986, they visited their family gravesite at the Mt. Hope Cemetery. Claimants state that two fresh graves were opened in the past month. Claimants believe that during the process of opening the adjoining graves, two items in their lot were destroyed: namely, an urn as well as an infant lamb marker of "Baby Hall".

Information received from the Parks Department indicates that on January 6 and 14 there were burials on the directly adjacent to the claimants' lot. Although the urn was visible, drifting snow had buried the lamb marker. The crew attempted to remove the urn but found that it was frozen to the ground. The crew then attempted to work around the urn with their backhoe but in so doing accidentally hit the urn and broke it.

The lamb marker was placed on the Hall lot prior to department rules which prohibit appendages above ground level and currently permits only flat markers. The lamb marker was damaged as a result of the crews not being aware of its existence. The department states that there is no question that the damage was caused by the department crews. The Public Service Department indicates that they have urns in inventory and could set one for the Hall family. The lamb marker would have to be purchased from a monument company.

The City is immune from tort liability for property damage arising out of the exercise or discharge of a non-proprietary governmental function. MCLA 692.1407. "Governmental Function" has been defined as any activity which is expressly or impliedly mandated by law. Ross v Consumers Power Co., 420 Mich 567 (1984). The operation and maintenance of the cemeteries is mandated by the City Charter (Chapter 4, Section 305) and the City Code of Ordinances (Chapter 10, Section 2). Therefore, it is a governmental function within the meaning of Ross, supra.

As indicated earlier, the Parks Department will replace the urn without incurring out-of-pocket expenses. The urn alone represents \$47.50 of the claim. Therefore, it is the recommendation of this office that the urn be replaced by the Department of Public Service and the remainder of the claim although caused by City action, should be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Referred to the Committee of the Whole.

July 22, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Swink's Floral Farms

Dear President Benavides and
Members of Lansing City Council:

On April 28, 1986, Swink's Floral Farms, 614 Julian, Lansing, booth #66 at the City Market, filed a claim for \$14.00 for reimbursement of a dried flower arrangement and vase which were accidentally bumped and broken by City employees.

This claim was investigated by the Department of Parks and Recreation which reported that on Wednesday, April 9, 1986, the Market Custodian and the Assistant Market Manager were moving a table into the City Market building and accidentally bumped a vase which contained a dried flower arrangement. The retail value of the vase with the flowers was \$14.00; however, the dried floral arrangement was recovered, so the only actual loss was the vase which had a retail value of \$7.00.

Chapter 35 of the City of Lansing Code of Ordinances in Article II, Sections 35-36 mandates that the market master direct, arrange and adjust the stands or stalls and situations for sales of all articles." Further, the Government Immunity Statute immunizes the City in activities which are mandated by law. *Ross v Consumers Power Co.*, 420 Mich 567 (1984) Nevertheless, the Assistant City Market Manager has recommended that this claim be settled for the value of the vase (\$7.00). Therefore, it is the recommendation of this office that the claimant should be paid \$7.00 as settlement of this matter upon signed waiver of all claims against the City by the claimant.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be paid in the amount of \$7.00 payable to Swink's Floral Farms and the claimant should sign a waiver of all claims against the city.

Carried.

July 22, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of LeAnn Tyler in the amount of
\$188.78

Dear President Benavides and
Members of Lansing City Council:

On March 3, 1986, LeAnn Tyler submitted a claim for damage to her vehicle's windshield in the amount of \$188.78. Claimant states that on February 28, 1986, her vehicle was parked in Washington Park near the ice rink. A hockey puck was deflected from the ice rink over two (2) fences and hit the windshield of her car, shattering the windshield.

Public Service Department indicates that a hockey puck was deflected over both the fence immediately surrounding the ice rink, and the taller chain link fence which encloses the rink, park building and tennis courts (on which the ice rink is located). A Park Police Officer arrived at Washington Park after the incident, investigated the nature of the incident and confirms

the claimant's statements. The Department further indicates that the City has made every reasonable effort to protect persons or property outside the ice rink by the erection and maintenance of the double fences.

Michigan law immunizes municipalities from tort liability for property damage arising out of the exercise or discharge of a non-proprietary governmental function. MCLA 691.1407. "Governmental function" has been defined as any activity which is expressly or impliedly authorized or mandated by law. *Ross v Consumers Power Co.*, 420 Mich 567 (1984). The operation and maintenance of a public park is expressly authorized and mandated by the Lansing City Charter (Chapter 4, Section 305).

Therefore, it is the recommendation of this office that this claim should be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

July 22, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Richard A. Weilbaeher in the amount
of \$70.00

Dear President Benavides and
Members of Lansing City Council:

On June 16, 1986, City Council received a claim from Richard A. Weilbaeher regarding sewer-related damages at 537 Christianity in the amount of \$70.00. Claimant states his tenants at 537 Christianity reported the sewer was backing up into the basement during May. On May 28, 1986, claimant contracted with a drain cleaning service to alleviate the problem, but to no avail. The Public Service Department was called, and the responding crew confirmed the back up was caused by a sewer cutoff initiated due to ongoing sewer construction by Kamminga & Roodvoets, Inc.

Investigation by the Public Service Department confirms that contractor, Kamminga & Roodvoets, Inc. was responsible for the sewer cutoff at 537 Christianity.

In light of the above facts, this office has referred the claim to the contractor and recommends no further action by the City at this time.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

Received and placed on file.

July 22, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the appointment of Mr. John Decker to the Downtown Mall Advisory Board. The term will expire February 1, 1987.

Mr. Decker resides at 3938 Truxton Lane. He is employed as the store manager of Woolworth and is an active participant in the community, with membership in the Lansing Regional Chamber of Commerce.

I trust you will give careful consideration to the appointment of Mr. John Decker to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and the appointment of John Decker to the Downtown Mall Advisory Board be approved.

Carried.

July 23, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and Councilmembers:

I hereby submit for your consideration and confirmation the reappointment of William Letts to the Economic Development Corporation Board. The term will expire February 1992.

I trust you will give careful consideration to the reappointment of William Letts to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and the reappointment of William Letts to the Economic Development Corp. Board be approved.

Carried.

July 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Dun & Bradstreet Publication

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

July 24, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Director of Labor Relations and Finance
Director

RE: 9-1-1 Technician Proposed Contract and
Financial Impact Statement

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee of the Whole.

July 23, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Relocation of Animals—Feline/Primate House

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

July 23, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Notice of Abandoned Vehicle Auction

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

July 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Grass Assessment L-29 for December 1986 Tax
Roll (\$5,363.69)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the Grass Assessment in the amount of \$5,363.69 be placed on the December 1986 Tax Roll L-29.

Carried.

July 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Trash Assessment U-31 for December 1986 Tax
Roll (\$12,111.10)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the trash assessment in the amount of \$12,111.10 be placed on the December 1986 Tax Roll U-31.

Carried.

July 24, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Finance Director

Re: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0317

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Develop-

ment Department, determined that the building located at 1200 Pulaski legally described as:

1200 Pulaski (3301-20-403-071)
E ½ of Lot 13 Block 2 Cadwell S Addition
City of Lansing

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on May 29, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on July 14, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0318

Whereas, the Urban Development Action Grant ("UDAG") Program is a Federally Funded Grant Program, available to assist distressed cities, revitalize their economic bases, create employment, and strengthen their tax bases; and

Whereas, Lyons Savings and Loan has requested

the City of Lansing to apply for an Urban Development Action Grant to help finance the renovation and equipping of Lyons's proposed hotel/office/retail facilities, to be located in the City of Lansing, Michigan, and to assist the City of Lansing in the erection of a parking/retail facility adjacent to the Olds Plaza; and

Whereas, public hearings were held on July 21, 1986 and July 28, 1986, to obtain the views of the citizens of the City of Lansing as to the participation of the City of Lansing in the proposed UDAG; and

Whereas, an Urban Development Action Grant application has been prepared for the Olds Plaza project; and

Whereas, the proposed development would not occur but for the Urban Development Action Grant.

Now, Therefore, Be It Resolved, that the application for an Urban Development Action grant, prepared for submission by the City of Lansing to help finance the proposed project, is hereby approved.

Be It Further Resolved that the Mayor is authorized to execute and submit the Urban Development Action Grant application, substantially in the form attached to this resolution, to the United States Department of Housing and Urban Development and that he is authorized and directed to execute all necessary documents in connection with this application and to provide such additional information as may be required.

Be It Further Resolved that the Department of Housing and Urban Development is urged to approve this application which will provide an opportunity for greatly needed economic expansion in the State of Michigan.

By COUNCILMEMBER ADADO—

That Councilmember Blair be excused from voting on this resolution.

Carried.

Adopted by the following vote:

Unanimously.

Councilmember Blair left the meeting.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0319

Whereas, the Lansing City Council has established a Lansing Industrial Development District IPR-5-83 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 2150 Apollo Drive; and

Whereas, Planet Corporation has submitted an application for the Exemption Certificate on July 21, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, a hearing was held on the Planet's application for the Exemption Certificate on July 21, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Planet Corporation has met the requirements for said Exemption Certificate as required

by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated July 22, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from the Planet Corporation for an Industrial Facilities Exemption Certificate for construction of a new facility in Lansing Industrial Development District IPR-5-83, to remain in effect for twelve years.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0320

Whereas, on April 21, 1980 the Lansing City Council issued a Commercial Facilities Exemption Certificate (CRD-10-79) to the B.F. Goodrich Company for construction of a new facility at the southeast corner of Grand Avenue and Kalamazoo Street, more commonly known as 405 S. Grand Avenue; and

Whereas, Martin Investment Properties, Inc. is acquiring this property and has applied for the transfer of this Commercial Facilities Exemption Certificate from the B.F. Goodrich Company; and

Whereas, a hearing was held on Martin's application for a Exemption Certificate transfer on July 21, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, the Martin Investment Properties, Inc. has met or will meet the requirements for said Exemption Certificate transfer as required by Public Act 255 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing.

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the application from Martin Investment Properties, Inc. for the transfer of the Commercial Facilities Exemption Certificate in Lansing Commercial Redevelopment District CRD-10-79, from the B.F. Goodrich Company, to Martin Investment Properties, Inc.

Adopted by the following vote:

Unanimously.

Councilmember Blair returned to the meeting.

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION #0321

Resolved by the City Council of the City of Lansing:

SLU-14-85
5725 Orchard Court

Whereas, the Clinton, Eaton, Ingham County Community Mental Health Board has requested a Special Land Use Permit to operate an adult foster care facility for a maximum of eight (8) developmentally disabled adults at 5725 Orchard Court and more particularly described as:

Lot 2, Richfield Park Subdivision T3N, R2W,
City of Lansing, Ingham County, Michigan; and

Whereas the Lansing City Council on September 26, 1986 voted to express their intent to approve a Special Land Use Permit for 5725 Orchard Court upon certification by the Planning and Building Division of the Department of Planning and Municipal Development and the Fire Marshal's office that all necessary code items have been complied with; and

Whereas on Wednesday, July 23, 1986, the premises at 5725 Orchard Court was inspected by staff of the Planning Division, Building Division and Fire Marshal's office and found to be in substantial conformance with the code requirements;

Now, Therefore, Be It Resolved that the Lansing City Council give final approval to the Special Land Use Permit for 5725 Orchard Court for an adult foster care facility for up to eight (8) developmentally disabled adults.

Be It Further Resolved that the City Clerk be directed to notify the petitioner of this action.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION #0322

P-48.5 Wise Wood Acres Subdivision
Final Preliminary Plat approval

Resolved by the City Council of the City of Lansing:

Whereas Sydney G. Bokovoy in behalf of Frederick L. Harmon has requested final preliminary plat approval of the plat known as Wise Wood Acres, and

Whereas, the Planning Division has reviewed this final preliminary plat in accord with the provisions under Section 37.8(5) of that Lansing Subdivision Control Regulations and found it to be in substantial conformance with the tentative preliminary plat as recommended by the Planning Board, and

Whereas, the Physical Development Committee of City Council has reviewed the report of the Planning Division and concurs therewith,

Now Therefore Be It Resolved that the preliminary plat of Wise Wood Acres Subdivision be given final preliminary approval subject to all conditions as set forth by the City Council at the time of tentative preliminary approval.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION #0323

SIDEWALK RESOLUTION
P.S. #36225

Resolved by the City Council of the City of Lansing:

That it is a necessary public improvement and it is hereby ordered that the sidewalk shall be reconstructed in front of, or adjacent to the following described properties:

Parcel	Address	50/50 Shared Responsibility Square Feet		100% City Responsibility Square Feet		100% City Responsibility Square Feet	
		4"	6"	4"	6"	4"	6"
3301-16-253-052	Under Construction					2410	250
3301-16-257-112	Under Construction					1820	
3301-16-257-041	431 E. Mich. on Cedar	340					
3301-16-257-041	427-431 E. Mich. Intersection	533		200	43		
3301-16-257-051	425 E. Michigan	161					
3301-16-257-061	419-423 E. Mich.	372					
3301-16-403-001	300 E. Michigan	50					
3301-16-403-011	314 E. Michigan	253					
3301-16-403-022	316-318 E. Mich.	382		40 (MBT)			
3301-16-403-041	320 E. Michigan	300					
3301-16-403-051	326 E. Michigan	50					
3301-16-426-011	408 E. Michigan	551					
3301-16-426-021	410 E. Michigan	418					
3301-16-426-031	416 E. Michigan	495					
3301-16-426-041	418 E. Michigan	858					
3301-16-426-051	Paved parking Intersection	990		190(BWL) 350	50		

and that owners of said above described lands are hereby required to commence reconstruction within twenty (20) days from the date of this publication in accordance with Section 28-41 of the Code of Ordinances, or the Director of Public Service is authorized and directed to proceed to reconstruct said concrete sidewalk in accordance with Section 28-42 of the Code of Ordinances. The Expense of constructing the same shall be paid out of the contingent fund, and the City Assessor is hereby directed to assess the expense of reconstructing the same against said described land in accordance with Section 28-44 of the Code of Ordinances.

The City Clerk and the Public Service Director are hereby directed to give due notice hereof, by publication of a notice of this resolution as provided by Section 28-41, Chapter 28 of the Code of Ordinances.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0324

Resolved by the City Council of the City of Lansing:

Whereas, the F.O.P. 911 Technicians of the City of Lansing concluded lengthy negotiations; and

Whereas, the Mayor has recommended approval of the proposed labor agreement with the F.O.P. 911 Technicians; and

Whereas, the proposed agreement is within budget;

Now, Therefore, Be It Resolved that the labor agreement for the period July 1, 1986-June 30, 1987 be hereby approved; and

Be It Further Resolved, that the Budget Director is authorized to administratively transfer to and from the appropriate salary and benefit accounts to implement the contract.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0325

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

- 1) 5,000.00 from General Admin. Telephone
A/C 101-930-000-853
5,000.00 to LPD Admin. Telephone
A/C 101-305-000-853
(LPD telephone service 7-1-86 to 9-30-86 (estimated), due to delay in changing to Centrex system.)
- 2) 730.00 from Estimated Revenues
A/C 101-000-000-160
730.00 to Parks & Rec. Park Div. Grounds Operations Professional Serv.-Offset
A/C 101-718-101-801.01
(Rentals received from vendors located on the Washington Mall).
- 3) 2,130.00 from Estimated Revenues
A/C 101-000-000-160

2,130.00 to Capital Improv. Projects
Turner-Dodge Dev. (Restr.)

A/C 101-936-416-974.1

(Rentals of Turner-Dodge House)

4) \$30,000.00 from Gen. Admin. Professional Services
A/C 101-930-001-801

47,400.00 from Gen. Fund Reserve for Contingency

A/C 101-941-000-963

77,400.00 to Gen. Fund-C.I.P. Toxic Clean-up

A/C 101-936-708-938

(For Phase one testing, parts one & two, of toxic contamination in Crego Park. Further appropriations may be necessary for well disposal additional testing & site clean-up depending on the results of this testing.)

5) \$92,000.00 from Public Service—Act 51 Local Fund Balance

A/C 203-000-000-390

92,000.00 to Public Service—Act 51 Local

Local St. Improvements

A/C 203-452-617-974

(to provide sufficient funding for low bid on 1986 Local St. Repair Contract, per low bid, plus 10% for construction engineering, layout, inspection, testing, & contingencies).

The Balance in the Reserve for Contingency Fund after this Transfer is \$825, 433.00

I hereby certify that this is a properly drawn and eligible transfer.

JAN LAZAR,
Budget Director

APPROVED:

SIDNEY WORTHINGTON
JAMES BLAIR
Committee on Ways and Means

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Amending Chapter 9 of the Building Code by revising Sections 9-2 and 9-3 for the purpose of Updating the Lansing Uniform Building Code.

Providing for the repeal of Chapter 9A and declaring the same to be null and void and of no effect.

Adding a new Chapter 9A for the adoption of the Uniform Housing Code were introduced by Councilmember Worthington, read a first and second time by their titles and referred to the Committee on General Services.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0326

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, August 4, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving

a. Amending Chapter 9 of the Building Code by revising Sections 9-2 and 9-3 for the purpose of Updating the Lansing Uniform Building Code.

b. Providing for the repeal of Chapter 9A and declaring the same to be null and void and of no effect.

c. Adding a new Chapter 9A for the adoption of the Uniform Housing Code.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee report that it had considered an ordinance providing that the Code or Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at Z-7-86—1903 Wood/1804 David Sts. to be rezoned from "A" Residential District to "DM-1" Multiple Residential District and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-7-86—1903 Wood/1804 David Streets to be rezoned from "A" Residential District to "DM-1" Residential District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-7-86—1903 Wood/1804 David Streets to be rezoned from "A" Residential District to "DM-1" Residential District be now passed.

Adopted by the following vote:

Yeas: Adado, Belen, Blair, Creamer, Lindemann, Schmidt, Worthington—7.

Nays: Benavides—1.

ORDINANCE 2190

An Ordinance of the City of Lansing, Michigan,

providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case number: Z-7-86, 1903 Wood/1804 David Streets
Parcel number: 3301-10-226-021 and 3301-10-226-031
Legal Description: Lots 1 through 6 inclusive, Assessor's Plat #50, City of Lansing, Ingham County, Michigan from "A" Residential District to "DM-1" Multiple Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBERS WORTHINGTON, BLAIR, AND CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Letter from the Michigan Dept. of Natural Resources regarding notice of violation to the city for provisions of the National Emission Standards for Hazardous Air Pollutants for asbestos that were violated in the razing of the building at 400 and 406 East Michigan Avenue.

Referred to the Mayor and City Attorney.

Letter announcing 2nd Annual Mercado Del Norte Festival to be held August 17, 1986 on E. Grand River Ave. between Ballard and Larch Sts. sponsored by American G.I. Forum of Lansing.

Referred to the Committee of the Whole.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0327

Resolved by the City Council of the City of Lansing:

Whereas, the business community on the 2000 block of East Michigan Avenue is having a "Block Party" Saturday, August 2, 1986; and

Whereas, the Green Door Lounge has requested permission to sell alcoholic beverages on their property at the rear of their building at 2005 E. Michigan and to permit consumption of alcohol on the sidewalk in

front of the building during this event; and

Whereas, the Lansing Police Department has indicated in writing their approval of said request;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the request of the Green Door Lounge as stated above.

Adopted by the following vote:

Yeas: Adado, Belen, Benavides, Blair, Creamer, Lindemann and Worthington—7.

Nays: Schmidt—1.

Councilmember Lindemann left the meeting.

PUBLIC IMPROVEMENT I

RESOLUTION #0328

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That it is hereby determined to be a public necessity to construct Sanitary Sewer in S. Waverly Road (West Side) from Phoenix Drive south approximately 400 ft. (to serve 5424 S. Waverly Rd.)

A petition signed by 75% of the benefited owners and signed by owners of 77% of the benefited frontage (See Petition #S-1-86 on file with the City Clerk).

That the Department of Public Service be and hereby directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT II

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0329

Resolved by the City Council of the City of Lansing:

That the plans and specifications returned by the Department of Public Service in pursuance of the resolution of this Council

Resolution date: 7-28-86

P.S. #73030 sanitary

property Benefited: All lands fronting on S. Waverly Rd. (west side) from Phoenix Drive South approx. 400 ft. (to serve 5424 S. Waverly Rd.) excepting all public streets and alleys deemed not benefited be received, approved and placed on file.

The Engineer's estimated expense of said improvements are as follows:

Project No.—PS 16045

Assessment Roll No.—300—San. Stubs

Intersection and City Contribution—San. 0.00, Stubs 0.00, Total 0.00

Assessable to Property Owners—San. \$6,204.60, Stubs \$1,378.83, Total \$7,543.43

Total Project Cost—San. \$6,204.60, Stubs, \$1,378.83, Total \$7,543.43.

That the City Assessor be, and is directed, to make special assessment installment rolls, based upon bids received and other related costs of construction, and return same to the City Council.

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES REMENAR
Deputy City Controller

This project is a part of the Sheridan Road pumping Station and other sewers contract, PS 16045.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT III

RESOLUTION #330

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That the special assessment roll for Storm Sewer, Sanitary Sewer and Pumping Station:

Assessment Roll No. 300—Sanitary PS 17029—Property benefited: All lands fronting on E. Sheridan Rd. from the existing sewer at 810 E. Sheridan Rd. West approx. 400 ft. to serve Lot 29 of Woodlawn Sub. (710 E. Sheridan Rd.) excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300—Sanitary PS 16045—Property Benefited: (Corrected description) all lands fronting on Sheridan Rd. from approx. 200 ft. west of Turner St. east to 110 E. Sheridan Rd., excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300—Sanitary PS 16028—Property Benefited: All lands fronting on Walker St. from Sheridan Road south approximately 600 ft. excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300—Storm PS 84016—Property Benefited: All lands fronting on Grovenburg Rd. from end of existing to approximately 115 Ft. South and continuing from LaBelle Rd. South approx. 435 Ft. to intersection of Edgewood Rd. excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300 Sanitary PS 87056—Property Benefited: Sanitary Outlet Sewer crossing E. Willoughby Rd. from the N. side of Kingdon Ave. to the South side of road, excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300—Sanitary PS 73030—Property Benefited: All lands fronting on S. Waverly Rd. (west side) from Phoenix Dr. south approx. 400 ft. (to serve 5424 S. Waverly Rd.) excepting all public

streets and alleys and other lands deemed not benefited.

July 28, 1986
Lansing, Michigan

Resolved further, that the City Council will meet at the Council Rooms on Monday, the 18th day of August 1986 at 7:00 o'clock P.M. for the purpose of reviewing said assessment roll.

*590-536-615-974—\$52,200.00

**590-536-608-974—\$95,428.97

***401-787-010-974.677—\$3,230.88

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES REMENAR
Deputy City Controller

All projects are a part of the Sheridan Road pumping station and other sewers contract, PS 16045.

Adopted by the following vote:

Unanimously.

REMARKS BY THE MAYOR

Announced a meeting in Old Central from 4 p.m. to 8 p.m. for a discussion of topics affecting Lansing.

REMARKS BY THE CITY COUNCIL

Councilmember Adado remarked on the mowing of grass and weeds in the Glenburne Area and barricades being erected to stop dumping of trash in the area.

Councilmember Schmidt announced a meeting to be held on the pre-hearing for widening Cedar St. on August 20, 1986 at the Immaculate Heart of Mary Parish Hall.

The full public hearing will be August 28, 1986 at Gardner Middle School.

Councilmember Creamer spoke concerning housing conditions in the City. Also presented on Channel 28 a feature regarding landlords who did not repair their property. Robert Creagh owner of properties at 514 Chestnut, 515 Cherry, 320 W. Lapeer and 6244 Grovenburg Rd. were featured this week.

Councilmember Blair remarked the City Council should go one step further and focus on good landlords in city who fix their properties up.

Michael Sarhan, 1800 Pleasant Grove Rd., spoke regarding enforcement for Truck Route Ordinance.

Terry Maagd spoke of the need for more policemen to investigate and deter breaking and enterings in the city.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:00 p.m.

RITA M. BAUMAN,
City Clerk.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

445

Proceedings, August 4, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

August 4, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by Vice President Schmidt.

Present: Councilmen Adado, Belen, Blair, Creamer, Lindemann, Schmidt, Worthington—7.

Absent: Councilmember Benavides—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

PUBLIC HEARING

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance revising Sections 9B-1, 9B-3, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance amendment they will have the privilege of speaking at this time.

Joseph Sloane, Sloan Heating and Air Conditioning, spoke regarding the excessive liability insurance required for licensing.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing for the repeal of Sections 9E-4, 9E-5, and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance repeal they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance amending Chapter 9E by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protections for ballasts and providing for the setting of all fees by Council Resolution.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance amendment they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing for the repeal of Sections 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance repeal they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and Amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves,

Sanitary Facilities for building in the city, providing for battery drainage systems, providing for the setting of fees by resolution.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance amendment they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance amending Chapter 9 of the Building Code by revising Sections 9-2 and 9-3 for the purpose of updating the Lansing Uniform Building Code.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance for the repeal of Chapter 9A and declaring the same to be null and void and of no effect.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

August 4, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing for adding a new Chapter 9A for the adoption of the Uniform Housing Code.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed Ordinance, they will have the privilege of speaking at this time.

George D. Smith, 1014 W. Shiawassee, spoke regarding condition of the present property which he rents.

Priscilla Holmes, 220 Reo Avenue, spoke regarding the Uniform Building Code and Housing Code and whether input from the Neighborhood Groups would be sought.

William Ansley, Clinton Co., owner of rental property in Lansing commented on "slumlords" and enforceability of code. He complained of property owned by the Lansing Housing Commission.

Nanette Husack, 505 Townsend, spoke regarding subsidized housing.

Referred to the Committee on General Services.

Councilmember Creamer introduced Rick Lilly, Ingham County Commissioner, who spoke regarding the playing of a Softball Game for the benefit of the Arthritis Foundation. WILX Channel 10, the State Journal, Ingham County Commissioners and Councilmembers will stage a game on August 17, 1986 at 4 p.m. in Ranney Park.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Committee Report 2c regarding two way traffic on Clippert S. was pulled from the agenda.

No person spoke at this time.

COMMUNICATIONS AND PETITIONS

Public Deivers—Jack A. Ailles, Linda D. Dillingham, John L. Taylor, Delbert L. Price II

Beer and Wine Carry Out—Garb-Ko, Inc. (7-11 Store No. 36)

Building Wrecker—J.C. Linn Co.

Sign Erector—Intercity Neon, Inc.

Mechanical Amusement Device—Harley Hotel.

Referred to the Committee on General Services.

Claims filed by:

a. Carmen J. Haeck, 1005 Raider St., for automobile damaged due to construction on Hazel St.

b. David L. Smith, East Lansing, MI, for automobile damaged from hitting pot hole on Sellers Dr.

c. William P. Goedert, 315½ W. Grand River for automobile damaged from a fragment of a street sign post on Walnut St.

d. Ygnacio Velasquez, 2018 Irene St., for damages to house.

Referred to the City Attorney.

Petition filed for rezoning Z-25-86—208 E. Mt. Hope Ave. described as, the North 162 feet of the West 100 feet, except the North 10 feet of lot 5, Assessor's Plat No. 46, on the North-east ¼ of Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan, to be rezoned from "B" and "C" Residential District to "D-1" Professional Office District filed by Charles A. Fleck.

Referred to the Mayor and Planning Board.

Petition filed for Special Land Use SLU-5-86—5600

S. Logan St. a vacant lot between 5542 and 5614 S. Logan Street to be used for erection of a church.

Referred to the Mayor and Planning Board.

Boarshead Theatre submits proposal for emergency funding for their theatre.

Referred to the Mayor.

Michigan Community Action Agency Association submits request for recognition as a community non-profit organization.

Referred to the Committee on General Services.

Geert D. Mulder & Sons, Inc. submits request for final plat approval of Lancen Village South 4 Subdivision.

Referred to the Mayor and Planning Board.

Michigan Dept of Transportation submits notice of public hearing on August 28, 1986 for the improvements at I-96 BL (Cedar St.) from Mt. Hope to Cloverland.

Received and placed on file.

Mayor's Executive Assistant, Cleophus Boyd, spoke regarding Mayor's Letters: 4a (Enterprise Golf Operations); 4d (Greater Lansing Convention/Exhibition Authority); 4e (Board Resignation—Downtown Mall Advisory Board); 4f (Board Appointment—Downtown Mall Advisory Board) and 4h (Barriades for Shiawassee St. Neighborhood).

Councilmember Creamer left the meeting.

COMMITTEE REPORT

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the status report from the Administration on the horse-mounted parks patrol program.

Reports as follows: The Administration reported operational difficulties in patrolling City parks due to manpower constraints within the Parks Security Division. These difficulties will dramatically increase with the permanent assignment of two Parks Security officers to full-time horse-mounted patrol duties. While the Committee understands the Administration's point that additional full-time Park Security positions would help alleviate the patrol problems, strategic thinking is appropriate at this point to permit maximum efficiency of existing personnel and equipment resources. This matter is hereby referred back to the Administration for recommendations from the Police Department and the Parks and Recreation Department. The Administration agreed that such report shall be returned to the Committee by August 14, 1986.

Signed:

JAMES BLAIR
LOUIS ADADO
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON GENERAL SERVICES

Approves the following licenses and bonds:

Public Drivers—Jack A. Ailles, Linda D. Dillingham, John L. Taylor, Delbert L. Price II, Larry J. Schultz.

Beer and Wine Carry Out—Garb-Ko, Inc. (7-11 Store No. 36)

Building Wrecker—J.C. Linn Co.

Sign Erector—Intercity Neon, Inc.

Mechanical Amusement Device—Harley Hotel

Signed:

SIDNEY WORTHINGTON
LOUIS ADADO
PAT LINDEMANN
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Councilmember Creamer returned to the meeting.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the request from the Committee on General Services for development of new policies on bicycle traffic and parking in the City of Lansing, especially the downtown area, reports as follows:

The Committee hereby refers this matter to the Mayor for study and a report back to include recommended policies. Issues involved are the current prohibition of bicycle traffic on downtown malls and sidewalks, potential placement of bicycle racks on City or Parking System property, and any safety regulations necessary if downtown restrictions on bicycles are to be liberalized.

Signed:

JAMES BLAIR
LOUIS ADADO
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's report on a request to change Clippert Street between East Saginaw and East Grand River to two-way traffic to eliminate cut-through traffic in a private parking lot,

Reports as follows: The Transportation Division staff studied the problem as noted and recommended that this one-block area of Clippert Street remain one-way southbound. The Traffic Board did not reach a majority conclusion after lengthy debate, and has made no recommendation. The Mayor concurred in the staff recommendation. The Committee also devoted much discussion to this issue, and recognizes the serious problem experienced by the property owners, but could not formulate an acceptable compromise without producing a negative effect on even more traffic in this congested area. The Committee reluctantly concurs with the recommendation of the Transportation Division staff and the Mayor to keep Clippert Street one-way southbound between East Saginaw and East Grand River.

By COUNCILMEMBER CREAMER—

I move that we suspend the rules to consider Committee Report 2c back on the agenda.

Carried.

By COUNCILMEMBER ADADO—

That we amend this Committee Report to reflect that the Council concurs in the request of the petitioner to return Clippert St. to two-way traffic.

Much discussion held.

City Attorney Sawyer pointed out it would require an Ordinance to change this street to two-way traffic.

Councilmember Adado stated he thought the Committee Report should be sent back to Committee so would withdraw the amendment to the Committee Report.

Councilmember Blair moved to withdraw the Committee Report and send it back to Committee.

Carried.

Councilmember Worthington moved to have the City Attorney write up an Ordinance for Introduction, to set a public hearing and to take this up under suspension of the rules at the end of the meeting.

Carried.

Councilmember Worthington left the meeting.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the rezoning petition —Z-14-86—5436 South Cedar Street to be rezoned from "A" Residential District to "F" Commercial District reports as follows:

That said rezoning be approved.

Signed:

CHARLES CREAMER

ALFREDA SCHMIDT
LUCILE BELEN
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the ordinance amending Section 31-186 of Chapter 31 for the purpose of reducing the lawful speed limit on Pleasant Grive Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd. reports as follows:

That said Ordinance be approved.

Signed:

JAMES BLAIR
LOUIS ADADO
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the Ordinance providing that Chapter 29 be amended by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate Income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area pursuant to the rehabilitation of Blighted Areas Act of 1945" consisting of Section 29-21 through Section 29-25, inclusive reports as follows:

That said ordinance be approved.

Signed:

CHARLES CREAMER
ALFREDA SCHMIDT
LUCILE BELEN
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON WAYS AND MEANS—

To whom was referred the matter of security in City Parking Ramps reports as follows:

Due to concerns expressed by constituents regarding security in city-owned parking ramps, the Committee on Ways and Means requests that the Administration investigate the use of mechanical monitoring devices to increase security in City parking ramps, and to

report its findings to the Committee at their August 14 meeting.

Signed:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR
Committee on Ways and Means

By COUNCILMEMBER LINDEMANN—

That the report of the Committee be adopted.
Carried.

REPORTS OF CITY OFFICERS AND BOARDS

July 31, 1986

Council President Benavides and
Members of the Lansing City Council:

Attached is a signed report from all departments on the application of Driftwood, Inc., 5910 S. Pennsylvania Avenue. They had requested an Entertainment Permit to be held in conjunction with their 1985 Class C Licensed business with Dance Permit.

Sincerely,

RITA M. BAUMAN
City Clerk.

Referred to the Committee on General Services.

Councilmember Worthington returned to the meeting.

July 30, 1986

Mayor Terry J. McKane,
Council President Tony Benavides
and City Council Members

RE: Grandview Plaza EDC Project

Dear Mayor McKane and Councilmembers:

At a special meeting of the Economic Development Corporation Board of Directors, held on July 29, 1986 at the City Club of Lansing, 11:45 a.m., the attached Resolution Amending Prior Resolutions regarding the Grandview Plaza EDC Project was approved.

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Referred to the Committee on Economic Development.

Mayor Terry J. McKane,
Council President Tony Benavides
and City Councilmembers

RE: Olds Plaza EDC Project

Dear Mayor McKane and Councilmembers:

At a special meeting of the Economic Development Corporation Board of Directors, held on July 29, 1986 at the City Club of Lansing, 11:45 a.m., the attached

Resolution Amending Prior Resolutions on the Olds Plaza EDC Project was approved.

Sincerely yours,

EMERSON B. OHL,
Executive Director.

Referred to the Committee on Economic Development.

TO: Honorable Mayor Terry J. McKane and
Lansing City Council

FROM: Public Service Department

RE: Street and Sidewalk Infrastructure Rehabilitation

Attached please find a copy of the Street and Sidewalk Infrastructure Rehabilitation Report together with the Board of Public Service's recommendation for your review and action.

Respectfully submitted,

MARGARET POLLARD
Secretary, Board of Public Service

Referred to the Mayor, Committee on Physical Development and the Committee on Ways and Means.

JULY 31, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
from Enterprise Golf Operations

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee Ways and Means and
Committee on Public Safety and Properties.

DATE: July 31, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Recommendation to Place on Ballot Sale of City
Property

RE: 620 Leshar Place, Part of Oak Park.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Public Safety and

Properties.

DATE: July 31, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence Act-33-86, 2000 Block East Michigan Avenue.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 7/31/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence from Greater Lansing Convention/Exhibition Authority

As the Authority has commenced its activities and we prepare to transfer the Exhibition Hall and Civic Center to their control, they have encountered a significant problem. Like the City, they have been unable to obtain any Officers and Directors Insurance. The state of the insurance industry and the new status of the Authority makes such coverage unavailable for an interim period.

To allow the Authority to undertake full activity, it will be necessary for the City to assist temporarily in filling this insurance gap. To achieve this, after lengthy explorations of alternatives, I am recommending that we establish a self-insured trust fund for Officers and Directors Liability/Errors and Omissions Protection. This fund would be a trust fund that would revert automatically to the City as soon as the Authority is able to obtain regular Officer and Directors coverage. For this purpose, I recommend \$100,000 be put in such a trust.

I also recommend that for the same interim period, any legal defense necessary to defend against such possible claims be provided by the City Attorney's office.

The City Attorney will draft the appropriate language and the Budget Director will prepare the appropriate transfer for your approval. Mr. Knot and Ms. Lazar are available to answer questions relative to this matter. I request immediate approval due to the critical timing of Authority activities, particularly in hiring a Director.

Thank you.

Referred to the Committee on Ways and Means (Resolution #5 on Agenda).

July 31, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence Downtown Mall Advisory Board Resignation—David T. Hayhow

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

July 30, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I hereby submit for your consideration and confirmation the appointment of Phyllis Adams to the Downtown Mall Advisory Board. The term will expire February 1, 1988.

Ms. Adams resides at 261 Rampart Way, #301, East Lansing and is employed as the Director of the Lansing Art Gallery. She is a member of the City Club, Zonta, and numerous arts agencies.

I trust you will give careful consideration to the appointment of Phyllis Adams to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: July 31, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence Critical Needs Authorization Update

The attached correspondence is submitted for your information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: July 30, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence Barricades for Shiawassee Street Neighborhood

The attached material is submitted with my concur-

rence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

July 31, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Trash in R.O.W. Removal Assessments for
December, 1986 (V-13)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessments (\$990.00) be placed on the December, 1986 (V-13) Tax Roll.

Carried.

DATE: July 28, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Grass Assessment L-29 for December 1986 Tax
Roll (\$7,539.00).

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER BLAIR—

That we concur in the recommendation of the Mayor and this grass assessment be placed on the L-29 December 1986 Tax Roll.

Carried.

DATE: 8/1/86

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

The resolution regarding Job Sharing was sent back to the Committee of the Whole for further study.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0331

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended permanent approval if a request to remove the No Turn on Red restriction for westbound Jolly Road at Logan Street; and

Whereas, on January 9, 1986 the No Turn on Red restriction for westbound Jolly Road at Logan Street was removed for a trial period;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the permanent removal of the No Turn on Red restriction for westbound Jolly Road at Logan Street.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BLAIR—

That we suspend the rules to place the following resolution on the agenda.

Carried.

By COUNCILMEMBER BENAVIDES—

RESOLUTION #0332

Resolved by the City Council of the City of Lansing:

Whereas, the American G.I. Forum of Lansing will sponsor its Second Annual Mercado Del Norte Festival in North Lansing on Sunday, August 17, 1986; and

Whereas, this festival, to be held on Grand River Avenue between Ballard and Larch Streets, will showcase Hispanic talent, art, and cultural artifacts from throughout the Greater Lansing area during its day-long program; and

Whereas, the festival provides a prime opportunity for the community at large to increase its awareness of the Hispanic culture;

Now, Therefore, Be It Resolved the Lansing City Council hereby designates August 17, 1986, as Mercado Del Norte Festival Day in Lansing; and

Be It Further Resolved residents of Lansing are encouraged to participate in this event.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0333

Resolved by the City Council of the City of Lansing:

FCF-5-86
5350 Ella's Court

Whereas, pursuant to Act 28, Public Act of 1977 of the State of Michigan, the Michigan Department of Social Services has notified the City of Lansing of its intent to license an adult foster care family home to provide shelter and care for a maximum of two (2) foster adults upon the premises commonly known as 5350 Ella's Court, more particularly described as:

Lot 55, Battenfield Subdivision #2, City of Lansing, Ingham County, Michigan; and

Whereas upon review of the application notice, the Department of Planning and Municipal Development found that;

1. There are no other similar licensed facilities, existing or proposed, within 1500 feet of this proposed facility,
2. Alterations and repairs are necessary to bring the home up to minimum building and fire codes; and

Whereas, the Physical Development Committee of the Lansing City Council, to whom the report of the Department of Planning and Municipal Development was referred, has reviewed the report and recommends the issuance of a license subject to the following:

A. Certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed;

Now, Therefore, Be It Resolved that the Council of the City of Lansing hereby recommends the issuance of an adult foster care family home license for the above described premises subject to certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed; and

Be It Further Resolved that the City of Lansing return the application notice to the Michigan Department of Social Services indicating that this proposed facility is located more than 1500 feet from another similar facility, existing or proposed; and

Be It Finally Resolved that a copy of this Resolution and copies of the Safety Inspection Report of the Department of Planning and Municipal Development be attached to the notice and returned therewith.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL

DEVELOPMENT—

RESOLUTION #0334

That it is hereby determined to be a matter of public health and necessity to construct storm sewer, sanitary sewer, curb and gutter and other road improvements on proposed Edgewood Blvd. extension from the end of the existing street at the west property line of Lot 10, Kahres Farm Subdivision, to 100 ft. west of Washington Avenue and to create a new right turn lane along S. Cedar Street onto Edgewood Blvd. beginning at a point approximately 2300 ft. north of Edgewood Blvd. for a project known as Edgewood Blvd., construction, Phase I, PS 85034 and that the construction of these improvements is hereby ordered,

And Further that the estimated cost of this project is \$1,675,641.00, with the City's share to be financed from Act 51 bonds and the remainder to be assessed to the benefited property owners.

Be It Further Resolved, that the Department of Public Service is hereby directed to prepare as far as necessary, plans and specifications for these improvements and to estimate in detail the cost of said project and to furnish said information to the Mayor and City Council.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT I

RESOLUTION #0335

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved, by the Mayor and City Council of the City of Lansing that it is hereby determined to be a public necessity to construct Storm & Sanitary Sewer, curb & gutter & other road improvements on proposed Edgewood Blvd. extension from the end of the existing street at the West Property line of Lot 10, Kahres Farm Subdivision to 1000 ft. of Washington Avenue and to create a new right turn lane along S. Cedar Street onto Edgewood Blvd. beginning at a point approx. 2300 ft. north of Edgewood Blvd. as ordered for by Council Resolution of 7/28/86.

That the Department of Public Service be and hereby is directed to cause to be prepared so far as necessary, diagrams and plats of the whole of said district, and/or plans and specifications for such project, and is further directed to estimate in detail the cost of said project, and furnish said information to the Council.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT II

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0336

Resolved by the City Council of the City of Lansing:

That the plans and specifications returned by the Department of Public Service in pursuance of the

resolution of this Council, be received, approved and placed on file.

RESOLUTION DATE: August 4, 1986

PS 85034 (St. Sewer, San. Sewer, Curb & Gutter & Road Improvements)

Property Benefited: All land fronting on proposed Edgewood Blvd. Extension from the end of the existing street at the west property line of Lot 10, Kahres Farm Subdivision to 1000 ft. west of Washington Avenue and to create a new right turn lane along S. Cedar Street onto Edgewood Blvd. beginning at a point approximately 2300 ft. north of Edgewood Blvd.

The Engineer's estimated expense of said improvements is as follows:

Project No.—PS 85034

Assessment Roll—299 Storm, San. C&G.

Intersection and City Contribution—Storm; \$191,607.25*—San.; \$16,453.00**—C&G—\$137,367.50***—Roadway—\$1,027,058.25***—Totals; \$1,372,486.00.

Assessable to Property Owner—Storm; \$72,710.00—San.; \$41,874.00—C&G; \$36,240.00—Roadway; \$0.00.—Totals; \$150,824.00.

Total Project Cost—Storm; \$264,317.25—San.; \$58,327.00—C&G; \$173,607.50—Roadway; \$1,027,058.25—Totals—\$1,523,310.00.

*401-787-010-974-677—\$91,607.25

*401-452-020-974.01—\$100,000.00

**590-536-607-974—\$16,453.00

***401-452-020-974.01—\$1,164,425.75

All Projects are a part of the Edgewood Blvd. construction, Phase I, PS 85034.

That the Purchasing Director be directed to advertise and let for bid the specifications for said projects as submitted by the Department of Public Service.

That the City Assessor be, and is directed, to make special assessment installment rolls, based upon bids to be received and other related costs of construction, and return same to the City Council.

I hereby certify that funds are available for the City of Lansing's share of said project.

STEPHEN W. DUARTE,
City Controller.

Adopted by the following vote:

Unanimously.

PUBLIC IMPROVEMENT IV

RESOLUTION #0337

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That the special assessment roll for Storm Sewer, Sanitary Sewer, & Curb & Gutter.

Assessment Roll No. 302 C&G & St. Sewer

—Property Benefited: All lands fronting on Tressa Dr. from Jolly Rd. to north end of street excepting all public streets & alleys & other lands deemed not benefited.

Assessment Roll No. 302 C&G—Property Benefited: All lands fronting on Cypress Street from Roosevelt St. to Knollwood Street excepting all public streets & alleys and other land deemed not benefited.

Assessment Roll No. 302—C&G & St. Sewer—Property Benefited: All lands fronting on Durwell St. from Haag Road to Hughes Road excepting all public streets & alleys and other lands deemed not benefited.

Assessment Roll No. 302—C&G & St. Sewer & Sanitary Sewer—Property Benefited: All lands fronting on Ferrol Street from Christiansen Rd. to the East end of the street excepting all public streets & alleys and other lands deemed not benefited.

Assessment Roll No. 302 C&G (ordered)—Property Benefited: All lands fronting on Yunker Street from Miller Road to Victoria excepting all public streets & alleys and other lands deemed not benefited.

Assessment Roll No. 302 C&G (ordered)—Property Benefited: all lands fronting on Barker Street from Southfield to Victoria Street excepting all public streets & other lands deemed not benefited.

Assessment Roll No. 302 C&G (ordered)—Property Benefited: all lands fronting on Shreve Street from Southfield to Victoria excepting all public streets & alleys and other lands deemed not benefited.

Assessment Roll No. 302 C&G (ordered)—Property Benefited: All lands fronting on Daft Street from Miller Road to Victoria excepting all public streets & alleys and other lands deemed not benefited.

Assessment Roll No. 302—C&G & St. Sewer—Property Benefited: All lands fronting on Daft Street from Miller Rd. to Hein Ave. excepting all public streets & alleys & other lands deemed not benefited.

Assessment Roll No. 302—Property Benefited: All lands fronting on Victoria from Daft St. to Yunker Street excepting all public streets & alleys and other lands deemed not benefited. (C&G & St. Sewer (ordered))

As returned by the City Assessor (as amended by the City Council upon review as follows) be and the same is hereby ratified and confirmed, and the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax on or before the Fourth day of November, 1986.

All projects are a part of the 1986 new roads construction contract, PS 85047.

Adopted by the following vote:

Unanimously.

SIDEWALK RESOLUTION P.S. #57054 PART I

RESOLUTION #0338

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That it is a necessary public improvement and it is hereby ordered that the sidewalk shall be reconstructed in front of, or adjacent to the following described properties:

Parcel	Address	50/50 Shared Responsibility Square Feet		100% City Responsibility Square Feet		100% City Responsibility Square Feet	
		4''	6''	4''	6''	4''	6''
3301-27-104-081	1926 Pennsylvania			40			
3301-27-104-091	1922 Pennsylvania	30	40				
3301-27-104-101	1918 Pennsylvania	60		41			
3301-27-104-112	1914 Pennsylvania	80					
3301-27-104-121	930 E. Mt. Hope		50				
3301-27-108-091	2020 Pennsylvania	60					
3301-27-108-101							
3301-27-108-111	2012 Pennsylvania	40	20				
3301-27-108-121	2008 Pennsylvania	10	30				
3301-27-108-131	2006 Pennsylvania	40					
3301-27-104-141	2000 Pennsylvania	40					
3301-27-112-101		60					
3301-27-112-111	2120 Pennsylvania	50	50				
3301-27-112-121	2116 Pennsylvania	80	40	45	15		
3301-27-112-131	2112 Pennsylvania	60	40				
3301-27-112-141	2108 Pennsylvania	41	20				
3301-27-112-151		20					
3301-27-112-161	2102 Pennsylvania	40					
3301-27-115-111	2220 Pennsylvania	60					
3301-27-115-121	2212 Pennsylvania						
3301-27-115-131							
3301-27-115-141	2204 Pennsylvania		60	20			
3301-27-115-151	2200 Pennsylvania	40		60			
3301-27-153-061		15					
3301-27-153-071	2312 Pennsylvania	75	50	40			
3301-27-153-081	2310 Pennsylvania	110	50				
3301-27-153-091	2308 Pennsylvania	40	60				
3301-27-153-101	2304 Pennsylvania			80			
3301-27-153-111		100					
3301-27-156-051	2344 Pennsylvania	20					
3301-27-156-061	2340 Pennsylvania	59					
3301-27-156-071	2338 Pennsylvania	110	50				
3301-27-156-081	2332 Pennsylvania	20					
3301-27-156-091	2330 Pennsylvania	50	50				
3301-27-156-101	2326 Pennsylvania	80					
3301-27-159-031	2420 Pennsylvania	45					
3301-27-159-062	2410 Pennsylvania	175					
3301-27-159-071	2404 Pennsylvania						
3301-27-159-081	2400 Pennsylvania	40		20			
3301-27-126-001	1000 Pennsylvania						
3301-27-126-011	1919 Pennsylvania						
3301-27-130-001		100					
3301-27-130-011	2005 Pennsylvania	40	40	40			
3301-27-130-021	3009 Pennsylvania	60		80			
3301-27-130-031	2013 Pennsylvania	100	40				
3301-27-130-041	2017 Pennsylvania	80					
3301-27-130-051		80					
3301-27-131-001	2101 Pennsylvania			20			
3301-27-131-011	2105 Pennsylvania	10	30	40			
3301-27-131-021	2109 Pennsylvania			60			
3301-27-131-031	2113 Pennsylvania	95	45	40			
3301-27-131-041	2117 Pennsylvania		40				
3301-27-131-051	2119 Pennsylvania	40					
3301-27-131-061	1001 Riley	40					
3301-27-134-001	2201 Pennsylvania	40					
3301-27-134-011	2205 Pennsylvania	60					
3301-27-134-021	2209 Pennsylvania	20	20				
3301-27-134-031	2213 Pennsylvania		40				
3301-27-134-041	2217 Pennsylvania	15		40			
3301-27-134-051	2219 Pennsylvania	20		60			
3301-27-176-001							
3301-27-176-011	2305 Pennsylvania						
3301-27-176-021	2309 Pennsylvania	20	40	60			
3301-27-176-031	2311 Pennsylvania	60	40				

3301-27-176-041	2315 Pennsylvania	80		
3301-27-176-051	2319 Pennsylvania	60		
3301-27-180-001	2327 Pennsylvania			
3301-27-180-011	2331 Pennsylvania	40		
3301-27-180-022	2335 Pennsylvania	75		
3301-27-180-041	2343 Pennsylvania			
3301-27-180-051	2345 Pennsylvania			
3301-27-181-001	2401 Pennsylvania			
3301-27-181-011	2407 Pennsylvania	60		
3301-27-181-021	2409 Pennsylvania	40		
3301-27-181-031	2413 Pennsylvania	10		
3301-27-181-041	2417 Pennsylvania	80		
3301-27-181-051	2421 Pennsylvania	20		
3301-27-101-041	1926 S. Lyons	45		
3301-27-101-051	1922 S. Lyons	40	20	
3301-27-101-061	1918 S. Lyons	40	19	
3301-27-101-071	1916 S. Lyons		20	
3301-27-101-081	1912 S. Lyons	70	20	60
3301-27-101-091	716 E. Mt. Hope	340	70	
3301-27-102-001	800 E. Mt. Hope			
3301-27-102-011	810 E. Mt. Hope	200		
3301-27-105-031	2020 S. Lyons	40	60	
3301-27-105-041	2016 S. Lyons		20	25
3301-27-105-051	2012 S. Lyons		20	80
3301-27-105-061	2008 S. Lyons	40	15	
3301-27-105-071	2004 S. Lyons	65		20
3301-27-105-081	2000 S. Lyons			115
3301-27-106-001	2001 S. Lyons	45		
3301-27-106-011	2005 S. Lyons	105		40
3301-27-106-021	2013 S. Lyons	145		80
3301-27-106-031	2017 S. Lyons			
3301-27-106-041	2021 S. Lyons	50		20
3301-27-109-041	2122 S. Lyons	20	20	
3301-27-109-051	2118 S. Lyons	45	55	60
3301-27-109-061	2116 S. Lyons	30	5	
3301-27-109-071	2112 S. Lyons	40	40	30
3301-27-109-081	2108 S. Lyons	30	40	80
3301-27-109-091	2104 S. Lyons	135		75
3301-27-109-101	2100 S. Lyons			
3301-27-110-001	2101 S. Lyons	20		
3301-27-110-011	2107 S. Lyons	60	10	40
3301-27-110-021	2113 S. Lyons	90		40
3301-27-110-031	2115 S. Lyons	140	30	
3301-27-110-041	2119 S. Lyons	20		
3301-27-110-051	2123 S. Lyons	100		20
3301-27-279-071	2218 S. Lyons		35	25
3301-27-279-081	2216 S. Lyons	35	50	
3301-27-279-091	2212 S. Lyons	30	30	20
3301-27-279-101	2208 S. Lyons	20	20	
3301-27-279-111	2204 S. Lyons	70	50	
3301-27-279-121	2200 S. Lyons	60		
3301-27-114-001	2201 S. Lyons	15		
3301-27-114-011	2205 S. Lyons	15	50	
3301-27-114-021	2209 S. Lyons		20	40
				20
3301-27-114-031	2213 S. Lyons	20	20	
3301-27-114-041	2217 S. Lyons	81	17.5	
3301-27-114-051	2219 S. Lyons	80		5
3301-27-281-071	2318 S. Lyons			45
3301-27-281-081	2314 S. Lyons	60	50	
3301-27-281-091	2312 S. Lyons	60	50	
3301-27-281-101				
3301-27-281-111		20		
3301-27-281-121	2302 S. Lyons	80		
3301-27-152-001	2301 S. Lyons		160	
3301-27-152-011	2305 S. Lyons	10		40
3301-27-152-021	2309 S. Lyons	50	40	
3301-27-152-031	2313 S. Lyons	60	12.5	
3301-27-152-041	2315 S. Lyons	50	60	
3301-27-152-051	2319 S. Lyons	20		
3301-27-283-171		40		20
3301-27-283-181	2340 S. Lyons	20		
3301-27-283-191	2338 S. Lyons	230	70	

3301-27-283-201	2326 S. Lyons	40		
3301-27-155-001	2325 S. Lyons	30	120	20
3301-27-155-011		92.5		
3301-27-155-021	2335 S. Lyons	75	60	
3301-27-155-031	2339 S. Lyons	70	50	
3301-27-155-041	2341 S. Lyons	90	60	
3301-27-155-051	2345 S. Lyons	10	175	
3301-27-286-141	2420 S. Lyons			
3301-27-286-151	2418 S. Lyons	160	20	
3301-27-286-161	2410 S. Lyons	60	20	20
3301-27-286-171	2404 S. Lyons	20		20
3301-27-286-181		120		
3301-27-158-001	2401 S. Lyons	160		
3301-27-158-011	2405 S. Lyons	20		20
3301-27-158-021	2409 S. Lyons	55	20	20
3301-27-158-031	2415 S. Lyons	115		
3301-27-158-041	2417 S. Lyons	51		
3301-27-158-051	2421 S. Lyons	60	60	
3301-27-427-121	716 Greenlawn			
3301-27-289-141	2520 S. Lyons			
3301-27-289-151	2514 S. Lyons			
3301-27-289-161	2508 S. Lyons			25
3301-27-289-171	2500 S. Lyons			25
3301-27-158-331	2601 Greenlawn	60		26
3301-27-160-001	2515 Lincoln	40	40	
3301-27-160-011	2525 Lincoln	45	35	40
3301-27-158-061	2425 S. Lyons	22.5		61
3301-27-301-001	2727 S. Lyons		65	
3301-27-427-111	711 Park Blvd.			40
3301-27-430-151	717 Willard			
3301-27-430-161	716 Willard	51		
3301-27-432-131	2816 S. Lyons			
3301-27-432-141	712 Willard			
3301-27-434-141	716 Denver			
3301-27-301-001	Olofsson Corp.	60		
3301-27-434-131	2912 S. Lyons	200		
3301-27-436-131	717 Hamilton	105	25	
3301-27-436-141	3000 Paris Ave.			
3301-27-103-001	822 E. Mt. Hope	120		
3301-27-103-051	840 E. Mt. Hope	24		120
3301-27-103-061		144	48	
3301-27-104-001	900 E. Mt. Hope			
3301-27-104-141	908 E. Mt. Hope	24		
3301-27-104-132	916 E. Mt. Hope			
3301-27-104-121	930 E. Mt. Hope	240		
3301-22-383-122	1003 E. Mt. Hope	95	147.5	
3301-22-384-101	1101 E. Mt. Hope	50		
3301-22-384-111	1111 E. Mt. Hope			
3301-22-384-121	1117 E. Mt. Hope	25		
3301-22-384-131	1121 E. Mt. Hope			--

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3301-22-386-081	1819 Clifton			57
3301-22-453-091	1411 E. Mt. Hope			
3301-22-453-101	1818 Synnyside			
3301-22-454-061	1501 E. Mt. Hope			
3301-22-454-071		30		
3301-22-454-081	1515 E. Mt. Hope	30		
3301-22-454-091	1822 Linbergh			60
3301-27-126-001	1000 E. Mt. Hope		114.6	24
3301-27-126-041	1012 E. Mt. Hope	471	126	
3301-27-127-002	1100 E. Mt. Hope	24	24	
3301-27-127-371	1116 E. Mt. Hope		66	198
3301-27-127-362	1124 E. Mt. Hope	276	123	174
3301-27-127-351	1908 Devonshire	192		
3301-27-128-001		72		177
3301-27-128-141	1220 E. Mt. Hope		72	168
3301-27-127-131	1222 E. Mt. Hope	12	60	120
3301-27-129-001	1300 E. Mt. Hope			
3301-27-129-181	1310 E. Mt. Hope			
3301-27-129-171				

3301-27-129-161	1312 E. Mt. Hope	24	60	
3301-27-129-151	1902 Clifton	126		
3301-27-201-001	1400 E. Mt. Hope	48		
3301-27-201-151	1406 E. Mt. Hope	24	24	
3301-27-201-141	1412 E. Mt. Hope	54	60	189
3301-27-201-131	1418 E. Mt. Hope			
3301-27-202-001				
3301-27-202-321	1506 E. Mt. Hope	120		
3301-27-202-311		160		
3301-29-103-051	2301 Pleasant Grove			

and that owners of said above described lands are hereby required to commence reconstruction within twenty (20) days from the date of this publication in accordance with Section 28-41 of the Code of Ordinances, or the Director of Public Service is authorized and directed to proceed to reconstruct said concrete sidewalk in accordance with Section 28-42 of the Code of Ordinances. The expense of constructing the same shall be paid out of the contingent fund, and the City Assessor is hereby directed to assess the expense of reconstructing the same against said described land in accordance with Section 28-44 of the Code of Ordinances.

The City Clerk and the Public Service Director are hereby directed to give due notice hereof, by publication of a notice of this resolution as provided by Section 28-41, Chapter 28 of the Code of Ordinances.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0339

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

1) \$700.00 from Operational Services & Microfilm Equip.

A/C 101-228-001-977

700.00 to Admin. Services Operational Services & Microfilm-Repair & Maint.

A/C 101-228-001-930

(to cover expenses of the first six-month inspection & testing of the halon system to be installed in the vaults in City Hall & Police-Central Records).

2) \$19,777.00 from Oper. Services & Microfilm Equip.

A/C 101-228-001-977

4,069.00 from Police Dept. Central Records Div. Records Bureau Repair & Maint.

A/C 101-308-000-930

23,846.00 to Admin. Services Building Maint. Project Maintenance

A/C 101-265-000-931

(installation of halon fire suppression in the following City Hall vaults: Treasurer, Assessor, City Attorney, Public Service, City Clerk, and one Accounting vault, plus the Central Records area in Police.)

3) \$1,095.75 from General Fund Estimated Revenues

A/C 101-000-000-160

1,095.75 to Administration Forfeiture Transfer—LPD

A/C 101-305-016-969

(Forfeitures Act 251)

4) \$50.00 from Estimated Revenues

A/C 101-000-000-160

50.00 to Parks & Rec. Admin. Div Citizen's Contributions

A/C 101-692-000-956

(Donation to Potter Park Zoo by the Optimist Club of Lansing).

5) \$100,000.00 from General Fund Fund Balance

A/C 101-000-000-390

100,000.00 to Exhibition Hall Reversionary Trust

A/C 101-930-001-963

(to establish reversionary trust account of \$100,000 to fund temporary self-insurance fund for Greater Lansing Exhibition Authority Officers & Director/Error & Omission Insurance. City Attorney to handle the legal defense of any such suits.)

I hereby certify that this is a properly drawn and eligible transfer.

JAN LAZAR,
Budget Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan providing that the Code of Ordinances be amended by amending subsection (D) of Section 4-10 of Chapter 4 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course was introduced by Councilmember Worthington, read a first and second time by its title and referred to the Committee on General Services and the Committee on Public Safety and Properties.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0340

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, August 25, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinance amending subsection (D) of Section 4-10 of Chapter 4 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-14-86—5436 S. Cedar St. to be rezoned from "A" Residential District to "F" Commercial District

And recommended that the Ordinance be passed.

Councilmember Blair left the meeting.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-14-86—5436 South Cedar Street to be rezoned from "A" Residential District to "F" Commercial District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-14-86—5436 South Cedar Street to be rezoned from "A" Residential District to "F" Commercial District be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 2191

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-14-86, 5436 South Cedar Street
Parcel Number—3305-04-251-262

Legal Description— East 150 feet of the north 10 rods of the south 50 rods of the SW ¼ of the NE ¼ of Section 4, T3N, R2W. lying west of the State Trunkline US-127 (Cedar Street) so called, City of Lansing, Ingham County, Michigan from "A" Residential District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

ORDINANCES

By COUNCILMEMBER CREAMER—

That Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Providing that Chapter 29 be amended by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate Income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area Pursuant to the rehabilitation of Blighted Areas Act of 1945" consisting of Sections 29-21 through Section 29-25, inclusive and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that Chapter 29 be amended by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area pursuant to the rehabilitation of Blighted Areas Act of 1945" consisting of Section 29-21 through Section 29-25, inclusive be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing that Chapter 29 be amended by adding an Article IV for the purpose of providing "Tax Exemption for Multiple Family Dwelling Projects for Persons of Low or Moderate income to be financed pursuant to the provisions of the State Housing Development Act of 1966 located in areas designated by the City of Lansing as a Blighted Area pursuant to the

rehabilitation of Blighted Areas Act of 1945" consisting of Section 29-21 through Section 29-25, inclusive be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 717

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT CHAPTER 29 OF THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING AN ARTICLE IV TO SAID CHAPTER FOR THE PURPOSE OF PROVIDING "TAX EXEMPTION FOR MULTIPLE FAMILY DWELLING PROJECTS FOR PERSONS OF LOW OR MODERATE INCOME TO BE FINANCED PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (1966 PA 346, AS AMENDED, MCLA SECTION 125.1401, *ET SEQ.*; MSA SECTION 116.114(1), *ET SEQ.*) LOCATED IN AREAS DESIGNATED BY THE CITY OF LANSING AS A BLIGHTED AREA PURSUANT TO THE REHABILITATION OF BLIGHTED AREAS ACT OF 1945 (1945 PA 344, AS AMENDED, MCLA SECTION 125.71, *ET SEQ.*; MSA SECTION 5.3501, *ET SEQ.*)" CONSISTING OF SECTION 29-21 THROUGH SECTION 29-25, INCLUSIVE:

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 29 of the Code of Ordinances of Lansing, Michigan be amended by adding a new Article IV containing Sections numbered 29-21 through 29-25, inclusive, to read as follows:

ARTICLE IV TAX EXEMPTION FOR MULTIPLE FAMILY DWELLING PROJECTS

SECTION 29-21 PREAMBLE.

IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE OF MICHIGAN AND ITS POLITICAL SUBDIVISIONS TO PROVIDE HOUSING FOR ITS CITIZENS OF LOW AND MODERATE INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING IN BLIGHTED AREAS BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT ACT OF 1966 (1966 PA 346, AS AMENDED, MCLA SECTION 125.1401, *ET SEQ.*; MSA SECTION 116.114(1), *ET SEQ.*). THE CITY IS AUTHORIZED BY SAID ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF THE TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION UNDER THE ACT AT ANY AMOUNT IT CHOOSES NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THE ACT. IT IS FURTHER ACKNOWLEDGED THAT SUCH HOUSING FOR PERSONS OF LOW AND MODERATE INCOME IN BLIGHTED AREAS IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE EXEMPTION THEREFOR IS A VALID PUBLIC PURPOSE; FURTHER, THAT THE CONTINUANCE OF THE

PROVISIONS OF THIS ORDINANCE FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF TAXES DURING THE PERIODS HEREINAFTER CONTEMPLATED ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF HOUSING DEVELOPMENT.

THE CITY ACKNOWLEDGES THAT CAPITOL COMMONS II LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNER (REFERRED TO HEREIN AS "SPONSOR") HAS OFFERED, SUBJECT TO RECEIPT OF A MORTGAGE LOAN FROM THE AUTHORITY, TO ERECT, OWN AND OPERATE A HOUSING DEVELOPMENT IDENTIFIED AS CAPITOL COMMONS II ON CERTAIN PROPERTY LOCATED IN THE CITY OF LANSING, INGHAM COUNTY, MICHIGAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: TO SERVE PERSONS OF LOW AND MODERATE INCOME, AND THAT THE SPONSOR HAS OFFERED TO PAY THE CITY ON ACCOUNT OF SAID DEVELOPMENT AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF ALL TAXES ON SAID CAPITOL COMMONS II AS SET FORTH HEREIN.

SEC. 29-22. DEFINITIONS.

(A) AUTHORITY MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.

(B) ACT MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING PUBLIC ACT 346 OF 1966, OF THE STATE OF MICHIGAN, AS AMENDED.

(C) BLIGHTED AREA MEANS AN AREA WHICH HAS BEEN DECLARED AS A BLIGHTED AREA BY THE CITY UNDER THE REHABILITATION OF BLIGHTED AREAS ACT OF 1945, (1945 PA 344, AS AMENDED, MCLA SECTION 125.71, *ET SEQ.*; MSA SECTION 5.3501, *ET SEQ.*)

(D) HOUSING DEVELOPMENT MEANS A DEVELOPMENT WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL, AND EDUCATIONAL FACILITIES AS THE AUTHORITY DETERMINES IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. THE HOUSING DEVELOPMENT IDENTIFIED AS CAPITOL COMMONS II IS A HOUSING DEVELOPMENT HEREUNDER.

(E) MORTGAGE LOAN MEANS A LOAN TO BE MADE BY THE AUTHORITY TO THE SPONSOR FOR THE CONSTRUCTION AND PERMANENT FINANCING OF THE HOUSING DEVELOPMENT.

(F) SPONSOR MEANS PERSONS OR ENTITIES WHICH HAVE APPLIED TO THE AUTHORITY FOR A MORTGAGE LOAN TO FINANCE A HOUSING DEVELOPMENT. CAPITOL COMMONS II LIMITED DIVIDEND HOUSING

ASSOCIATION LIMITED PARTNERSHIP IS SUCH A SPONSOR.

SEC. 29-23. CLASS OF HOUSING DEVELOPMENT.

IT IS HEREBY DETERMINED THAT THE CLASS OF HOUSING DEVELOPMENTS TO WHICH THE TAX EXEMPTION SHALL APPLY SHALL BE MULTIPLE DWELLINGS FOR PERSONS OF LOW AND MODERATE INCOME IN BLIGHTED AREAS CONSTRUCTED AFTER THE DATE OF ENACTMENT OF THIS ORDINANCE, WHICH ARE FINANCED OR ASSISTED PURSUANT TO THE ACT.

SEC. 29-24. ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

THE HOUSING DEVELOPMENT IDENTIFIED AS CAPITOL COMMONS II AND THE PROPERTY ON WHICH IT SHALL BE CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FROM AND AFTER THE COMMENCEMENT OF CONSTRUCTION. THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF CAPITOL COMMONS II IN RELIANCE UPON THE ENACTMENT OF THIS ORDINANCE AND THE QUALIFICATION OF THE CAPITOL COMMONS II FOR EXEMPTION FROM ALL PROPERTY TAXES AND THE PAYMENT IN LIEU OF TAXES AS ESTABLISHED HEREIN. THE SPONSOR UPON FILING A CERTIFIED AFFIDAVIT NOTIFYING THE CITY OF ITS EXEMPTION WITH THE LANSING CITY ASSESSOR AS PROVIDED BY SECTION 15(A)(1) OF 1966 PA 346, AS AMENDED (MCLA 125.415(A)(1)) SHALL BE EXEMPT FROM ALL PROPERTY TAXES WHICH WOULD OTHERWISE BE PAID IN THE CASE OF CAPITOL COMMONS II. COMMENCING WITH CONSTRUCTION AND CONTINUING UNTIL JANUARY 1, OF THE YEAR FOLLOWING THE SIXTH ANNIVERSARY DATE OF THE COMPLETION OF CONSTRUCTION THERE SHALL BE NO PAYMENT IN LIEU OF TAXES. COMMENCING ON SAID JANUARY 1, AND CONTINUING FOR THE NEXT SUCCEEDING SIX YEARS CAPITOL COMMONS II SHALL PAY AN ANNUAL SERVICE CHARGE EQUAL TO 50% OF REAL PROPERTY TAXES WHICH WOULD OTHERWISE BE ASSESSED ON CAPITOL COMMONS II. AT THE END OF SAID SECOND SIX-YEAR PERIOD, CAPITOL COMMONS II SHALL COMMENCE PAYMENT IN FULL THE AMOUNT OF REAL PROPERTY TAXES.

SEC. 29-25. SEVERABILITY.

THE VARIOUS SECTIONS AND PROVISIONS OF THIS ARTICLE SHALL BE DEEMED TO BE SEVERABLE, AND SHOULD ANY SECTION OR PROVISION OF THIS ARTICLE BE DECLARED BY ANY COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID THE SAME SHALL NOT AFFECT THE VALIDITY OF THIS ARTICLE AS A WHOLE OR ANY SECTION OR PROVISION HEREOF OTHER

THAN THE SECTION OR PROVISION SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from the date of passage unless given immediate effect by the City Council.

Councilmember Blair returned to the meeting.

By COUNCILMEMBER BLAIR—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Amending Section 31-186 of Chapter 31 for the purpose of reducing the lawful speed limit on Pleasant Grove Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd. and recommended that the ordinance be passed.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by Amending Section 31-186 of Chapter 31 for the purpose of reducing the lawful speed limit on Pleasant Grove Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd. be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Section 31-186 of Chapter 31 for the purpose of reducing the lawful speed limit on Pleasant Grove Road from 35 MPH to 30 MPH between Holmes Rd. and Jolly Rd. be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 718

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN PROVIDING THAT SECTION 31-186 OF CHAPTER 31 OF THE CODE OF ORDINANCES OF LANSING, MICHIGAN BE AMENDED FOR THE PURPOSE OF REDUCING THE LAWFUL SPEED LIMIT ON PLEASANT GROVE ROAD FROM 35 MPH TO 30 MPH BETWEEN HOLMES ROAD AND JOLLY ROAD.

The City of Lansing Ordains:

Section 1. That Section 31-186 of Chapter 31 of the Code of Ordinances of Lansing, Michigan be amended pertaining only to Pleasant Grove Road as follows:

Name of Street (or) Portions Affected—Pleasant Grove Road, Speed Limit—30, From—Holmes Road, To—Jolly Road.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That this Ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following letters:

Letter from William Jipson regarding the intersection of Kuerbitz and Aragon needing stop signs.

Referred to the Committee on Public Safety and Properties.

Letter submitted by Clark Construction Co. requesting permission to work extended hours for the Willard Street Pump Station.

By COUNCILMEMBER CREAMER—

That we concur in the request for extended work hours for the Willard Street pump station.

Carried.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0341

Resolved by the City Council of the City of Lansing:

To rescind the following portions of the 1986 New Roads Construction Contract, PS 85047, Roll 302:

1. Curb and Gutter construction on Yunker Street from Victoria St. south approximately 160 feet (end of street).

2. The proposed sanitary sewer assessment against the property described as 1810 Ferrol Street. It should be noted that this property has for some time, been connected to an existing sanitary sewer lying west of its property but did not pay any assessment or connection fees at the time of connection. In lieu of an assessment, a connection fee of \$946.33 will be collected from these property owners as their share of the City sewerage system.

Final costs for assessable portions and the City's share of monies of this contract will be adjusted under the Public Improvement V.

Adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinance(s) of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Amending Section 31-177 of Chapter 31 of the Code to eliminate Clippert Street between North Grand River and Saginaw Street from the list of one-way streets was introduced by Councilmember Worthington, read a first and second time by its title and referred to the Committee on Public Safety and Properties.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0342

Be It Hereby Resolved that a public hearing on the attached ordinance to amend Section 31-177 of the Code of Ordinances of the City of Lansing, Michigan to eliminate Clippert Street between North Grand River and Saginaw Streets from the list of one-way streets therein will be held at 7:00 PM on Monday, August 18, 1986 at a regular meeting of the Lansing City Council in its Chambers on the 10th Floor of City Hall, Lansing, Michigan.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That Councilmember Benavides be excused from the session.

Carried.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

Mr. Boyd announced the street closings throughout the city for the coming week.

REMARKS BY THE CITY COUNCIL

Councilmember Lindemann requested the Administration to look into the conditions that exist at 832, 834 and 835 Larned St.—loud music, noise, etc.

Councilmember Adado thanked members of the EDC Board for their work on UDAG grant for Olds Plaza.

Also remarked on areas needing grass mowed and of the increase in calls for need of service from the Police Dept.

Councilmember Belen asked the Administration to check the speed of automobiles on Barnes Ave.

Councilmember Creamer complimented Dennis

Randolph, City Engineer, of the Public Service Dept. for going to investigate two matters in the north end of the city last weekend.

Also remarked on the Building Code Violations being followed up on.

Guillermo Lopez spoke regarding the 2nd annual Mercado Del Norte Festival to be held August 17, 1986 in North Lansing.

Mary K. Scullion, 325 Bartlett commended the city on taking action against slum landlords.

Mary James, 303 N. Jenison, spoke regarding property values going down in neighborhoods where property is not taken care of and commended the city on their strong stand against errant landlords.

Mary Haney spoke regarding 4 houses on Beaver St. being in disrepair and the Center St. house still having entryway open on 2nd floor.

By COUNCILMEMBER SCHMIDT—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:00 P.M.

RITA BAUMAN,
City Clerk.

August 4, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

465

Proceedings, August 11, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

August 11, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: Councilmember Blair—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Item 3a under Communications and Petitions was pulled.

Carol Schwing, 3336 Tecumseh River Rd., spoke regarding Sparrow Hospital's 90th Birthday and requesting permission to hang banners on Michigan Avenue between Pennsylvania Ave. and Holmes St. The banners would be in place from Sept. 1, 1986 through June 1, 1987.

John Tostevin, Dansville, MI., spoke regarding his claim under City Attorney's letters for payment of glasses broken while working for the city.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Driver—Floyd Ford, John M. Drolett.

Beer and Wine Carry Out: Lindemann's Meat Mkt.; Rite Aid Corp. (220 S. Washington); Rite Aid

Corp. (400 Frandor—Liquor, Beer & Wine) Spadefore Distributing Co. (location only).

Sign Erector—United Signs, Inc.

Referred to the Committee on General Services.

Claims filed by:

a. William E. Rheame, Attorney, on behalf of Jaime Ruperto, Minor, injured by falling into an unmarked construction site on Beech St. on July 13, 1986.

b. Michael W. Beck, 901 Kendon Drive, for Moto-cross bike damaged by city parks truck at Kendon Park.

c. Bonnie A. Bell, 4427 Ingham, for sewer damages to home and furnishings.

Referred to the City Attorney.

Applications filed for Commercial Facilities Exemption Certificates:

a. Chicago Dock and Canal Trust, One Michigan Avenue, for transfer of balance of original term of 12 years.

b. Riverview Associates, the Poxson property, E. Michigan Ave. & So. Grand Ave., for restoration.

c. Riverview Associates, the Poxson Property, E. Michigan Ave., & S. Grand Ave., for new facility.

Referred to the Committee on Economic Development.

Municipal Liability and Property Pool submits information on legislation recently passed which significantly modified municipal tort liability and immunity in Michigan.

Referred to the City Attorney and placed on file.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Mayor McKane spoke regarding his letters: 4a (3rd Annual National Night Out—August 12th); 4b (Improved Code Compliance); 4c (Residential Permit Parking Program); 4d (Historic District Commission

Board Appointment—Wm. Whitbeck) and 4m (Request by Sparrow Hospital for Banner Hanging).

By COUNCILMEMBER WORTHINGTON—

I move that Councilmember Lindemann be excused from voting on this Committee Report.

Carried.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Driver—Floyd Ford, John M. Drolett.

Beer and Wine Carry Out: Lindemann's Meat Mkt.; Rite Aid Corp. (220 S. Washington); Rite Aid Corp (400 Frandor—Liquor, Beer & Wine) Spadafore Distributing Co. (location only).

Sign Erector—United Signs Inc.

Signed:

SIDNEY WORTHINGTON
PATRICK LINDEMANN
LOUIS ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

REPORT OF CITY OFFICERS AND BOARDS

President Benavides and
Members of Lansing City Council

RE: Claim of Neil Blom in the amount of \$279.00

Dear President Benavides and
Members of Lansing City Council:

On May 14, 1986, City Council received a claim from Neil Blom, 1008 Hickory, for veterinary bills in the amount of \$279.00. Claimant states that about April 4, 1986 the City placed rat poison in holes in the public right of way in front of their home. Claimant further states that the poison was left uncovered for about a week. In the interim the family dog apparently ingested some of the poison, became very ill, and required extensive medical attention and treatment.

Investigation by the Public Service Department confirms the City did go to claimant's home on at least two occasions in April, but on dates different from those described by claimant. The holes in the right of way were diagnosed as rat holes and, reportedly, they were baited and barricaded. The claimant's family was also made aware that the bait was placed. The purpose of the barricade is to prevent motor and foot traffic from contacting the areas. About a week later, after the rats had an opportunity to eat the poison, the holes were filled with dirt. This routine is consistent with the City's general practice in responding to reports of rat holes in acting to reduce the rodent population and in taking reasonable safety precautions.

Review of the veterinary records and discussions with the treating veterinarian and a toxicologist by a member of my staff confirms the claimant's dog ingested a toxic chemical which is the active ingredient in the bait used by the City, and that the poisoning occurred during or about the time period when the bait was exposed. We have no reason to believe the dog was poisoned in any manner other than by contact with the City's bait.

MCLA 691.1407 provides that municipalities are protected by governmental immunity when engaged in a governmental function. The Michigan Supreme Court recently held in *Ross v Consumers Power Co.*, 420 Mich 554, 567 (1985), that a governmental function includes activities authorized by law. The Home Rule Cities Act, MCLA 117.3(j) mandates the protection of public health and safety for cities. The City's 1978 Charter, §3-310 authorizes it to provide for the health and safety of persons and property within its boundaries. Vector control activities are conducted pursuant to this general authority, and specific authorization is granted by Council budget resolution. Accordingly, the City is entitled to governmental immunity in this matter and is not legally obligated to pay this claim. Moreover, despite the near tragic consequences, there is no indication that the City was negligent in this matter.

Based on the above, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Lucius Bell

Dear President Benavides and
Members of Lansing City Council:

On June 12, 1986, Lucius Bell submitted a claim for damages as the result of a sewer back-up at 2601 Deerfield. The total dollar amount of damages is indicated by the claimant as \$9,310.02. This claimed amount exceeds the deductible of the City's liability insurance coverage.

Therefore, it is the recommendation of this office that this claim be referred to Auto Owners Insurance Company.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be referred to Auto Owners Insurance Co.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Acorn Realty, Inc. in the amount of
\$230.00

Dear President Benavides and
Members of Lansing City Council:

Claimant request the removal of a \$230.00 special assessment from his real property tax bill for 406 S. Hayford Street, Lansing. The assessment was placed on the tax roll on or about October 2, 1985 and first appeared in the December, 1985 tax bill received by claimant.

City investigation of the claim discloses that the assessment was placed on the real property pursuant to City Code Section 21-12 because of the removal by the City of a demolished garage on said property. The garage was declared a nuisance through the interaction of City Code Section 21-1 and the Lansing Uniform Housing Code.

The Lansing Uniform Housing Code provides that if a building official determines that a building is substandard, as defined by the Code, the building official shall issue a written notice to the owner of record of said property to correct the violation.

In this case, the claimant, Acorn Realty, Inc., received title to the property by warranty deed, which it recorded November 8, 1984. When the clean up notice was sent on or about September 18, 1985, it was addressed the claimant's predecessor in title, Rebecca J. Clark. The claimant, through its President, Jon W. Addiss, informed this office that it was never notified either by the City or Ms. Clark of the City's proposed action.

The City received constructive knowledge of the claimant's ownership before it sent its notice. The Ingham County Register of Deeds notified the City of this transfer by sending a copy of the warranty deed within thirty (30) days of its recording to the office of the City Assessor.

Mr. Addiss informed this office that the materials removed from the property by the City was all building debris that required removal, and that the cost to him to remove it would have been \$30.00 for labor, transportation and dump fee. Mr. Addiss is agreeable, in the disposition of the claim, to be responsible for the reasonable cost of the benefit received from the City's actions.

For the reason that the City received constructive notice of the true owner of the property but sent the necessary notice to repair to someone who no longer retained an interest in the property, it is the recommendation of this office that this assessment and any interest and penalty thereon be removed from the tax rolls upon the condition that the owner be billed a \$30.00 cleanup fee by the Building Department and pay the same to the City Treasurer.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the owner be billed for a \$30.00 clean up fee payable to City Treasurer, and this assessment and

any interest penalty will be removed from the tax rolls.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Eldon Hosey in the amount of
\$28.95

Dear President Benavides and
Members of Lansing City Council:

On April 3, 1986, City Council received a claim from Eldon Hosey, 8714 Cochran, Grand Ledge for automobile damage in the amount of \$28.95. Claimant states he was driving into the south entrance of the Civic Center parking lot on April 3, 1986, when the parking gate arm came down and smashed the hood emblem on his car. Claimant obtained two (2) damage estimates; both indicate replacing the emblem will cost \$28.95.

Investigation of the claim by the Public Service Transportation Division confirms claimant entered the Civic Center parking lot on April 3 at about 6:00 p.m. through the Washtenaw Street entrance. A parking attendant was on duty, and drivers were required to pay at the attendant's booth upon entering the lot because there was a show at the Civic Center. Claimant's vehicle was one of several lined up to enter the lot. When the driver of the car in front of claimant's had paid the attendant and pulled into the lot, claimant drove beyond the window of the booth, and the gate arm closing behind the previous vehicle came down on claimant's vehicle, breaking the hood ornament. Claimant paid his parking fee, entered the lot and parked his car. The gate arm did not malfunction, rather it operated normally to prevent entry by another vehicle until activated to open again.

Although municipalities are liable for tortious acts occurring in the exercise of a proprietary function, and operation of a municipal parking system is generally considered such a proprietary function. Liability is founded upon the existence of negligent acts by municipal employees. The facts presented above do not provide any basis for finding negligence by the City, its employees or agents. Therefore, based upon the above fact and applicable law, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Roger Lancaster in the amount of
\$163.75

Dear President Benavides
and Members of Lansing City Council:

Claimant requests the removal of a \$163.75 assess-

ment from his real property tax bill for a vacant lot south of 1218 Clark Street, Lansing, Parcel No. 3301 10 402 131 3. The assessment was placed on the tax rolls on or about June 13, 1985 and appeared in the December, 1985 tax bill received by the claimant.

City investigation of the claim discloses that the assessment was placed on the real property pursuant to City Code, Section 21-12 because the vegetation on the property exceeded twelve (12) inches in height, and the City contracted to have the vegetation removed. Although the City of Lansing Code does not require that the owner, i.e., taxpayer, receive prior notice of such a violation and be offered an opportunity to correct it, the City has for some time uniformly given such notice before it arranges for clean up of the property with the cost thereof assessed against the property.

In this case, Mr. Lancaster received title to the property in November, 1984 and recorded his deed on April 8, 1985. When the clean up notice was sent on or about May 23, 1985, it was mailed to the claimant's predecessor in title, Mr. and Mrs. Whitcomb. Mr. Lancaster, through his attorney Frank J. DeLuca, represents that the claimant never received any warning or notice from the City.

The Ingham County Register of Deeds notifies the City of these types of transfer by sending copies of the recorded transfer documents within 30 days of recording. In this case, the City Assessor's office did not update its records as to ownership until sometime after the May 1985 notice was sent. It appears, however, that the City has received notice from the Register of Deeds of the recording of the deed.

For the reason that the City had constructive notice of the true owner of the property, but sent the notice letter demanding that the owner correct the violation to the wrong person, it is the recommendation of this office that the assessment and any interest and penalty thereon be removed from the tax rolls.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this assessment and any interest and penalty thereon be removed from the tax rolls.

Carried.

Claim of Lynn Machalk was pulled for one week for further study.

President Benavides and
Members of Lansing City Council

RE: Claim of Farm Bureau Insurance Company
in the amount of \$1,258.73

Dear President Benavides and
Members of Lansing City Council:

On January 10, 1986, Farm Bureau Insurance Company submitted a claim in the amount of \$1,258.73 for damage to a vehicle owned by Kenneth Dimoff, an insured of the company. The claim places the City on notice of the insurance company's subrogation of Mr.

Dimoff's interests as a result of having previously settling the claim. The claim indicated that on June 17, 1985, Mr. Dimoff struck a protruding manhole assembly while turning off Aurelius Road onto Mt. Hope Street.

Information received from the Public Service Department indicates that their files do not contain any complaints regarding road conditions on either Aurelius Road or Mt. Hope during the June 17, 1985 period. An unverified accident report was prepared by the Lansing Police Department. The accident report indicates that Mr. Dimoff was turning right off Aurelius Road onto Mt. Hope at the time he struck the protruding manhole. The incident was not reported to the Lansing Police Department until September 13, 1985, several months after the date of the accident.

The facts of this claim as stated above are not sufficient enough to support a claim of legal liability by the City. It is entirely possible that road construction or maintenance was being performed by one of the numerous public utilities with rights-of-way in, under or through the City streets or numerous other explanations which are not the legal responsibilities of the City which may have caused the damage to Mr. Dimoff's vehicle. Further, it appears that the City had no notice of the condition which destroyed the car in question. Therefore, based upon the above information, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

August 6, 1986

President Benavides and Members of Lansing
City Council:

RE: Council claim for \$109.96

Dear President Benavides and Members of
City Council:

On or about March 19, 1986, John Tostevin, 2955 Carter Road, Dansville, filed claim for reimbursement for the cost of his personal eyeglasses which were broken while he was employed by the City on February 25, 1986.

This matter was investigated by the Parks and Recreation Department where the claimant last worked before he retired on February 28, 1986. The Department reported that claimant was working with one of the City tower trucks and while reaching for a saw, he hit his face on the side of a "high ranger" bucket which was being lowered to the rear of the truck. As a result claimant's glasses were broken. In addition, the Safety Division of the Personnel office reported and Douglas Finley, Department Director, confirmed that the City had bought safety glasses for the claimant prior to the incident, and he should have been wearing them while working. Since claimant's personal glasses were broken as a result of his own

negligence and failure to use required safety glasses, it is the recommendation of this office that this claim should be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER BELEN—

I move that we do not concur in the recommendation of the City Attorney and pay this claim in the amount of \$109.96 payable to John Tostevin.

Carried.

August 9, 1986

President Benavides and Members of
Lansing City Council

RE: Council claim for sewer backup

Dear President Benavides and Members
of City Council:

On June 10, 1986, Glenn M. Cummings. 2905 Mildred, Lansing, filed a claim for damages allegedly caused by City sewer backup into claimant's basement.

This matter was investigated by the Public Service Department which reported that upon receipt of the complaint, a City work crew was dispatched to check and clean the City sewer main.

Michigan law immunizes municipalities from tort liability where and when the Municipality is engaged in the exercise and discharge of a governmental function MCLA 691.1407; MSA 3.99(107). In *Ross v Consumers Power Co.*, 420 Mich 567, 1984 (on Rehearing.). The Michigan Supreme Court ruled that "a governmental function is an activity which is expressly or implicitly mandated or authorized by Constitution, statute, or other law." It is clear that operating and maintaining a sewer system being authorized by State law, City charter, and Ordinance is expressly mandated by law.

Therefore, it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

August 5, 1986

President Benavides and
Members of Lansing City Council:

Re: Claim of Bob Nelson on behalf of Mrs. Marie Welch in the amount of \$200-\$400

Dear President Benavides and
Members of Lansing City Council:

On June 9, 1986, City Council received a claim from Bob Nelson, on behalf of Mrs. Marie Welch, for the replacement value of a grave marker missing from Evergreen Cemetery. Claimant reports that Mr. Robert Welch was buried on December 7, 1984. Several days thereafter the family noticed the grave marker was missing, and it remains so. Claimant also states that family members and associates have made several contacts with City officials in the interim, but have not obtained a satisfactory result. We have learned that it would cost between \$200 and \$400 to replace the lost marker with one of equal quality and value.

The Parks and Recreation Department investigated this claim and determined the normal procedures were followed before and after the interment of Mr. Welch. Prior to the burial, the "pre-need" marker was placed to the side of the site. After the burial the grave was filled in, but the marker was not immediately replaced for two reasons: 1) the grave settles immediately after being filled which could cause the marker to tilt; 2) the monument company must pick up the marker to complete the engraving and then return and place it. Following Mrs. Welch's spring, 1985 inquiry, the Department contacted various monument companies to determine if any had mistakenly picked it up; it also had the crews probe the site to determine if the marker was accidentally back filled into the empty grave. Despite extensive investigation, the Parks Department was unable to determine what became of Mr. Welch's grave marker. No evidence of City misconduct or negligence was found; and the Department's convinced that it is highly unlikely that the City is responsible for the disappearance.

The City is immune from tort liability for property damage arising out of the exercise or discharge of a non-proprietary governmental function. MCLA 691.1407. "Governmental function" has been defined as any activity which is expressly or impliedly mandated by law. *Ross v Consumers Power Co.*, 420 Mich 567 (1984). The operation and maintenance of the Evergreen Cemetery is mandated by the City Charter (Chapter 4, §305) and the City Code of Ordinances (Chapter 10, §2). Therefore, it is a governmental function within the meaning of *Ross*, supra.

Based on the above, it is the recommendation of this office that this claim be denied because it appears no agent of the City was negligent, but even if negligence could be shown the City is not liable due to governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

August 7, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City

Clerk's office by the Budget Director. No. 64 through 72)

Sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on Ways and Means.

August 7, 1986

Mayor Terry J. McKane
Council President Tony Benavides
and City Council Members

RE: Thomas M. Cooley Law School
EDC Project

Dear Mayor McKane and Council Members:

At its regular scheduled meeting held on August 6, 1986, the Economic Development Corporation Board of Directors of the City of Lansing approved the attached Resolution of Inducement and Intent to Issue Revenue Bonds, to Proceed with a Project, Appoint Bond Counsel, to Designate Project Area, to Recommend Project District Area and to Request Appointment of Additional Directors.

Cordially yours,

EMERSON B. OHL,
Executive Director.

Referred to the Committee on Economic Development.

August 7, 1986

Mayor Terry J. McKane,
Council President Tony Benavides
and City Council Members

Re: LHIW Corporation
EDC Project

Dear Mayor McKane and Council Members:

At its regular scheduled meeting held on August 6, 1986, the Economic Development Corporation Board of Directors of the City of Lansing approved the attached Resolution of Inducement and Intent to Issue Revenue Bonds, to Proceed with a Project, Appoint Bond Counsel, to Designate Project Area, to Recommend Project District Area and to Request Appointment of Additional Directors.

Cordially yours,

EMERSON OHL,
Executive Director.

Referred to the Committee on Economic Development.

August 7, 1986

Mayor Terry J. McKane,
Council President Tony Benavides,
and City Council Members

RE: Michigan Products, Inc.
EDC Project

Dear Mayor McKane and Council Members:

At its regular scheduled meeting held on August 6, 1986, the Economic Development Corporation Board of Directors of the City of Lansing approved the attached Resolution Recommending Project for the Michigan Products, Inc. EDC Project.

Cordially yours,

EMERSON OHL,
Executive Director.

Referred to the Committee on Economic Development.

August 5, 1986

3RD ANNUAL NATIONAL NIGHT OUT
—AUGUST 12th
LanZing's Part of 'America's Night Out
Against Crime'

LanZing residents are being invited to join thousands of other communities across America in supporting a "Symbolic" Nationwide crime prevention project called "National Night Out" on August 12th. The event, sponsored by the National Town Watch Association and Co-sponsored locally by the Lansing Police Department, Community Services Unit, is a Crime Prevention demonstration during which residents spend a symbolic hour outside in front of their homes on porches, lawns, front steps, etc.—and turn on outside lights. In conjunction with the Nationwide vigil, Police Department across the nation will be monitoring the crime activity to help measure the effectiveness of the effort. Organizers are hoping that the awareness, unity and spirit that exists during "National Night Out" will last well after August 12th.

Overall, "National Night Out" is designed to: (1) Heighten Crime Prevention Awareness; (2) Generate support for the participation in local police-community anticrime efforts; (3) Strengthen neighborhood spirit; (4) Help overcome the "After Dark Fear of Crime" and; (5) Send a message to the criminal community letting them know that neighborhoods across the U.S.A. are Watching!

During the 2nd "National Night Out" last summer, 2,100 cities and towns from 46 States supported the effort. Nationally, close to 11 million Americans took part. Special events were held including: Block Parties; Parades; candle and flashlight vigils; cookouts; neighborhood visits by police and local officials; balloon releases and anticrime rallies.

LanZing residents are encouraged to support "National Night Out" on August 12th between 7:30 p.m.-9:30 p.m. Residents can participate by simply spending some time outside in front of their homes on porches, lawns, etc. and turn on their outside lights.

This time can be a fun time if neighbors plan special activities while still delivering an important message. Rather than closing our eyes, locking our doors and complaining, neighbors are organizing and letting criminals know that the people want the streets back.

On August 11, 1986 between 12:00 noon-1:00 p.m. at the 7-11 Store located at Waverly/Holmes Road, Mayor Terry McKane will be presenting a Proclamation for "Nation Night Out" to the Lansing Police

Department with the assistance of McGruff, the Crime Fighting Dog.

For more information: Officers Richard Holm or David Dickson, 372-9400, extension 120.

Optional reference: National Town Watch Association (215) 649-7055 or 649-6662

Received and placed on file.

August 7, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear Council President Benavides and City Councilmembers:

RE: Improved Code Compliance

You will recall that in 1984 the City initiated a Code Compliance Task Force. This group met numerous times to consider ways of improving code compliance in Lansing neighborhoods. The group submitted a report which contained twenty-five recommendations.

You will be pleased to know that nine of the most important of these recommendations have been implemented. These include:

1. Create a code compliance team by consolidating former positions of Housing Inspector, Senior Housing Inspector and Zoning Officer into a new job entitled "Code Compliance Officer."

2. Provide on-going training programs and seminars for all Code Compliance Officers so they are more effective in the field.

3. The City will be divided into small geographic areas of responsibility for each Code Compliance Officer.

4. Create a supervisory position to oversee the Code Compliance Team within the Building Division of the Department of Planning and Municipal Development.

5. Hand-held radios and mini cassette recorders are recommended to be provided to each inspector in order to assist communication which will allow them to do their job in a safer, more efficient manner.

6. Require the individual inspectors to be responsible for identifying structures to be demolished within a given neighborhood and charge them with follow-through of that recommendation to the point in time when City Council has made a decision on demolition.

7. Each Code Compliance Officer will be assigned a specific geographic area and will be responsible for all the code compliance activities within the neighborhood.

8. While present legal support from the City Attorney's office is very positive, the scheduling procedure utilized in the District Court system should be amended so that all building, housing and zoning code cases would be tried during the same time period so that consistent legal support may be provided from the City Attorney's office.

9. Modify notification procedure to owners of property in violation of City codes.

In addition, staff currently has partly implemented

or is working to implement thirteen recommendations. These include:

1. Response times will be standardized for each code compliance activity to ensure that there is consistency and follow-through for all violations.

2. A centralized code violation telephone number should be created to act as a referral for any complaint affecting property within the City of Lansing.

3. A series of brochures or information sheets dealing with code compliance requirements should be prepared by the Planning and Municipal Development Department to assist in the understanding and application of various codes.

4. A telephone answering machine should be utilized to record code enforcement complaints during off duty hours.

5. The current manual information system should be revised to utilize either the mainframe or micro computer equipment to track violations, permit records and site plan information.

6. Speed up the enforcement process by allowing Code Compliance Officers to remove abandoned vehicles from private property.

7. The existing monetary penalty structure for front yard parking violations should be examined to determine if an increase in those fees would improve the effectiveness of this enforcement. In addition, the existing front yard parking ordinance should be examined to determine if it allows the Police Department to issue front yard parking tickets as well as the Code Compliance Officers.

The existing front yard parking appeals board ordinance should be amended to allow requests for front yard parking variances to be transmitted to the Board of Zoning Appeals for action.

9. Establish a licensing program that would inspect and license all rental properties within Lansing.

10. Appropriate research should be conducted to create a municipal ordinance which would prevent the permanent or long term boarding up of a structure, unless the structure meets the appropriate code requirements for demolition. Demolition proceedings should be automatically initiated for such properties qualifying for demolition after the expiration of a fixed time period. Additionally, appropriate boarding material such as wire mesh should be utilized to secure the structure.

11. Additional financial resources for housing rehabilitation should be identified in order that housing problems of age, deterioration and obsolescence can be addressed.

12. It is recommended that the City of Lansing utilize legislation or initiate research to create new state legislation to permit the sale of bonds to support a local housing rehabilitation and/or mortgage purchasing program.

13. Further study be done on the desirability of making these offenses civil infractions and allowing them to be tried before the Judge or the Magistrate and hopefully result in a speedier resolution of the violation.

Finally, three of the recommendations have been

judged not appropriate for action. These include:

1. Assign the actual demolition of the building to the Development Division.

2. That all Code Compliance Officers be deputized by the Ingham County Sheriff's Department.

3. Expand Lansing's garbage pick-up program to be funded from direct property assessment.

I know that neighborhood improvement—including code compliance, is one of your top priorities. You may be assured that it is one of mine also.

I am pleased that staff continues to take an aggressive leadership role in improving our code compliance procedures. I know that it is assisting us to improve our neighborhoods.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on General Services.

July 30, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and
City Councilmembers:

As you know, we have a serious parking problem in some residential neighborhoods that are near industrial or other facilities that attract large numbers of people. The problem is that some workers or visitors park for a long time on neighborhood streets. This makes parking and driving difficult for the residents.

We have begun to address this problem by increasing parking violation fines and/or creating tow away zones in some areas.

Attached is a draft proposal for another critical part of this program. Its objective is to provide permits to residents in affected neighborhoods. These would allow the residents—and their visitors—to park near their homes for longer than posted time limits. (Note: it would not allow residents to park overnight or in "no parking" areas.)

This proposal—assuming that you concur in it—will require the assistance of the City Attorney to make some necessary changes in our ordinances.

My staff and I look forward to working with you as you establish this parking policy.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

August 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and City
Councilmembers:

I herewith submit for your consideration and confirmation the appointment of William C. Whitbeck to the Historic District Commission. The term will expire in June 1989.

Mr. Whitbeck resides at 620 W. Ionia and is an attorney with the law firm of Dykema, Gossett, Spencer, Goodnow, and Trigg. Mr. Whitbeck was a former H.U.D. Area Director of the Detroit and Lansing areas, and also served on the Historic District Study Committee which wrote the ordinance creating the Commission. He is also an active member of the community, belonging to a number of civic organizations.

I trust you will give careful consideration to the appointment of Mr. William C. Whitbeck to this important Commission.

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and confirm the appointment of William C. Whitbeck to the Historic District Commission.

Carried.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Employees Eligible for Free Safety Glasses

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Referred to the Committee on Public Safety and Properties.

DATE: August 5, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Trash in R.O.W. Removal Assessment for December, 1986 (V-12)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the trash in R.O.W. Removal Assessment in the amount of \$3,939.49 be placed on the December

1986 Tax Roll (V-12).

Carried.

DATE: August 5, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Critical Needs Authorization Update

The attached correspondence is submitted for your
information.

TERRY J. McKANE,
Mayor.

Received and placed on file.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Z-12-86, 815 N. Seymour

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Develop-
ment.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Z-13-86, 617/629 W. Saginaw and 614 N.
Sycamore

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Develop-
ment.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Z-15-86, 3600 Block of West Jolly rd.

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Develop-
ment.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Z-16-86, 3016, 3020, 3022 South Cedar St.

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Develop-
ment.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Z-17-86, 4510 South Pennsylvania Ave.

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Develop-
ment.

DATE: August 7, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Z-27-85, 508, 512, 516 Ash St., 525 E. Oakland,
and 920, 928 N. Cedar St.

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Develop-
ment.

DATE: August 7, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence ACT-22-86, Hazel St.—Vacate R.O.W.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: August 7, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence Sale of Vacant Lots—NDA #2 (1041 S. Holmes St.) and NDA #4 (300 Block W. Mt. Hope)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: August 7, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence SLU-4-86, 3605, 3611, 3615 West Jolly Rd.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

DATE: August 7, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence PRD-1-86, 1800 block of Todd Avenue

The attached material is submitted with my concur-

rence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

Referred to the Committee on Physical Development.

August 7, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear Council President Benavides and City Councilmembers:

Attached is a letter received from Carol Schwing, Vice President of Marketing at Sparrow Hospital. The purpose of the letter is to secure permission for the installation and removal of banners commemorating Sparrow Hospital's 90th birthday. They wish to place the banners on Michigan Avenue between Pennsylvania and Holmes Street. Because this area is on a trunkline, approval is needed from the Michigan Department of Transportation (MDOT).

The guidelines from MDOT for such requests require a current resolution by the governing body authorizing and accepting responsibility for the work to be done, and the occupancy of the right of way must be submitted, or be on file with, the MDOT to cover each application.

Due to the shortness of time, I am asking that this permission be granted so that further permits may be obtained from MDOT.

As you will read, Sparrow Hospital is seeking permission from the Board of Water and Light for use of the utility poles, and they are assuming all cost responsibility for installation and removal of the banners which will be in place from September 18, 1986 through June 1, 1987.

Thank you for your consideration to this request, and I am asking for your concurrence.

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER BELEN—

I move that we concur in the recommendation of the Mayor and approve the request for Sparrow Hospital to hang banners on Michigan Avenue between Pennsylvania and Holmes St. from September 1, 1986 through June 1, 1987.

Carried.

DATE: August 7, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence Transfer of funds

The attached material is submitted with my concur-

rence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0343

Resolved by the City Council of the City of Lansing:

That the Michigan Community Action Agency Association and its affiliate, the Michigan Community Resources and Service Fund, are recognized by the City of Lansing as non-profit organizations.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0344

Resolved by the City Council of the City of Lansing:

That the request from Driftwood, Inc. located 5910 S. Pennsylvania, Lansing, Michigan, for an Entertainment Permit to be held in conjunction with their 1985 Class C licensed business with dance permit, is hereby approved.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0345

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is the owner and has marketable title to real property located in Oak Park west of the Oak Park School being more particularly described as:

Beginning at a point on the easterly line of Leshar Place 71.76 feet north of the S.W. corner of Lot 8, Block 1, of Assessors Plat No. 7; thence northerly along the easterly line of Leshar Place to the southerly ROW line of Saginaw Street; thence westerly along said southerly ROW line to the westerly line of Leshar Place; thence southerly along said westerly line to a point due west to the point of beginning; thence east to the point of beginning.

Whereas, the Planning and Park Board have reviewed this matter and recommend that a sale of the property described above would be in the best interest of the City of Lansing; and

Whereas, the 1978 City Charter requires that the sale of any park land be approved by the voters of the City of Lansing;

Now, Therefore, Be It Resolved that the proposal to sell said land be submitted to the electors of the City of Lansing for approval as required pursuant to the 1978

City Charter and as required by the laws of the State of Michigan at the next general election to be held November 4, 1986; and be it

Further Resolved, that said proposal be submitted to the electors of the said city upon the voting devices in manner and form as follows:

FORM OF BALLOT

SHALL THE CITY OF LANSING BE AUTHORIZED TO DISPOSE TO THE LANSING SCHOOL DISTRICT THAT PART OF OAK PARK LOCATED WEST OF OAK PARK SCHOOL AND WHICH IS LEGALLY DESCRIBED AS:

Beginning at a point on the easterly line of Leshar Place 71.76 feet north of the S.W. corner of Lot 8, Block 1, of Assessors Plat No. 7; thence northerly along the easterly line of Leshar Place to the southerly ROW line of Saginaw Street; thence westerly along said southerly ROW line to the westerly line of Leshar Place; thence southerly along said westerly line to a point due west of the point of beginning; thence east to the point of beginning, more commonly known as the 49.5 foot drive, at the north end of Leshar Place, running north 250.74 ft. and bordering the west side of Oak Park School.

IN RETURN FOR A BENEFIT TO BE REALIZED OF NOT LESS THAN THE FAIR MARKET VALUE OF THE PROPERTY?

YES () NO ()

and be it Further Resolved, that the City Clerk be and is hereby directed to prepare sufficient ballots to supply the demand for absent voters ballots, as above set forth; and be it

Further Resolved, that this resolution containing the above proposal, together with the full legal description of said property, be posted in a conspicuous place in each polling place in the City of Lansing; and be it

Further Resolved, that the votes cast upon such question shall be counted, canvassed and returned, and the results thereof determined in like manner, and by the same officials as prescribed for in the general election; and be it

Further Resolved that the City Clerk certify the ballot wording to the County Clerk in conformance with the requirements of state law; and be it

Further Resolved, that the City Clerk give ten (10) days notice of the submission of said proposal to the electors, such notice to conform to the provisions of the City Charter and state law relative to general elections, and further that she cause a true copy of this resolution to be published and circulated twice in a newspaper of general circulation in the City of Lansing and that such publication be at least ten (10) days prior to the date upon which said proposal is to be voted upon as herein provided; and be it

Finally Resolved, that in the event this proposed sale of park land is approved by the voters of the City of Lansing, then upon closing the fair market value generated by this sale of park land shall be credited to account 101-936-416-974, the restricted Park Acquisition and Development Account.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0346

Resolved by the City Council of the City of Lansing:

ACT-33-86

2000 Block of East Michigan Avenue

Whereas, Mr. Gary Zick of 206 S. Fairview has requested the City to widen the North/South alley extending from the City's parking lot in the 2000 block of East Michigan Avenue south to Prospect Street; and

Whereas, the Lansing Planning Board has reviewed the request under P.A. 285 of 1983, as Amended, determined that the time and expense involved in acquiring additional alley right-of-way and moving fences would far exceed the public benefit gained, and recommended the request be DENIED; and

Whereas, the Council Committee on Public Safety and Properties has reviewed the request and the Planning Board's recommendation concurs therein;

Now, Therefore, Be It Resolved, that the Lansing City Council DENIES the request to widen the North/South alley in the 2000 block of East Michigan Avenue; and

Be It Further Resolved, that the Administration undertake a survey of the alley alignment and enforce the property line setbacks and adjustments of fences and structures where appropriate.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0347

Resolved by the City Council of the City of Lansing:

That the appointment of Ms. Phyllis Adams to the Downtown Mall Advisory Board is hereby confirmed as recommended by the Mayor. Term will expire February 1, 1988.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0348

Whereas, the Lansing City Council has established a Lansing Commercial Redevelopment District CRD-3-79, at 112-116 North Larch Street and has issued a Commercial Facilities Exemption Certificate for a Project at that site to Larch Street Furniture Partnership; and

Whereas, Joseph Covello has applied for the transfer of this Commercial Facilities Exemption Certificate at 112-116 North Larch Street; and

Whereas, it is necessary to hold a public hearing

prior to this council's taking action of Joseph Covello's application for the transfer of the Commercial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the transfer of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Commercial Redevelopment District CRD-3-79; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, September 2, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

RESOLUTION #0349

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Tuesday, September 2, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Planned Residential Development PRD-1-86, 1800 block of Todd Avenue to be used for construction of a twelve (12) unit residential structure on the property.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER—

RESOLUTION #0350

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Tuesday, September 2, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Special Land Use SLU-4-86—3611 W. Jolly Road to be used for enlargement of a church.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0351

Resolved by the City Council of the City of Lansing:

Whereas, Senate Bill 392 proposes mandating a Charter ballot question in populated cities over One Million which would require the election of nine Councilmembers; seven from districts and two at large; and

Whereas, Senate Bill 392 was approved by the Senate and is now being forwarded to the State House

of Representatives; and

Whereas, this Bill directly affects the City of Detroit but could affect other municipalities in the future; and

Now, Therefore, Be It Resolved, the Lansing City Council strongly urges the House of Representatives to oppose this Bill as amended; and

Be It Further Resolved, the Lansing City Council, in cooperation with the Detroit City Council, calls upon the Michigan Municipal League and all Michigan cities to support this effort and recommend rejection of Senate Bill 392 to the State House of Representatives; and

Be It Finally Resolved, the City Clerk is hereby authorized to forward a certified copy of this resolution to the Detroit City Council, Michigan Municipal League, Representative Debbie Stabenow and Representative David Hollister.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0352

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

- 1) \$80,000.00 from Reserve for Contingency
A/C 101-941-000-962
- 80,000.00 to C.I.P. Groesbeck Golf Irrigation
A/C 101-936-712-979
(for Groesbeck irrigation project)

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director

APPROVED:

PATRICK LINDEMANN
SIDNEY P. WORTHINGTON

By COUNCILMEMBER LINDEMANN—

That this money will be paid back from revenues charged for the golf course fees and will begin next budget year 1987-88.

Carried.

The resolution as amended was adopted by the following vote:

Unanimously.

INTRODUCTION OF ORDINANCES

The following ordinances of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

a. Z-12-86—815 N. Seymour to be rezoned from "C" Residential District to "DM-1" Residential District filed by Kevin A. McKinney.

b. Z-13-86—617/629 W. Saginaw and 614 N. Sycamore to be rezoned from "D-1" Professional Office, "E-2" Local Shopping and "DM-4" Residential Districts to "F" Commercial District.

c. Z-15-86—3605, 3611 and 3615 W. Jolly Rd. to be rezoned from "A" Residential and "J" Parking Districts to "B" Residential District.

d. Z-16-86—3016, 3020 and 3022 S. Cedar Street to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District.

e. Z-17-86—4510 S. Pennsylvania Ave. to be rezoned from "J" Parking District to "D-1" Professional Office District were introduced by Councilmember Creamer, read a first and second time by their titles and referred to the Committee on Physical Development.

By COUNCILMEMBER CREAMER—

RESOLUTION #0353

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Tuesday, September 2, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the following rezoning petitions:

a. Z-12-86—815 N. Seymour to be rezoned from "C" Residential District to "DM-1" Residential District filed by Kevin A. McKinney.

b. Z-13-86—617/629 W. Saginaw and 614 N. Sycamore to be rezoned from "D-1" Professional office, "E-2" Local Shopping and "DM-4" Residential Districts to "F" Commercial District filed by Les Linsemier.

c. Z-15-86—3605, 3611 and 3615 W. Jolly Rd. to be rezoned from "A" Residential and "J" Parking Districts to "B" Residential District filed by Thomas Schroeder.

d. Z-16-86—3016, 3020 and 3022 S. Cedar Street to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District filed by Patrick D. Korslake.

e. Z-17-86—4510 S. Pennsylvania Ave. to be rezoned from "J" Parking District to "D-1" Professional Office District filed by Lansing Community Credit Union.

By COUNCILMEMBERS BELEN, ADADO
AND SCHMIDT—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following items:

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BELEN—

RESOLUTION #0354

Resolved by the City Council of the City of Lansing:

Whereas, a developer has expressed an interest in renovating the Olds Hotel to a first class hotel, commercial, office facility and the construction of a parking retail facility; and

Whereas, the City has submitted an application to HUD for Urban Development Action Grant funds to assist in the renovation of the Olds Hotel and construction of a parking/retail facility; and

Whereas, the construction of a parking/retail facility to service the Olds Plaza Hotel is necessary for the success of the Olds Plaza Hotel and the revitalization of downtown and therefore constitutes a public purpose;

Now, Therefore, Be It Resolved that the City of Lansing is willing to utilize its power of eminent domain to acquire the properties proposed in the UDAG application as the site for the parking/retail facility subject to the occurrence of all of the following three (3) conditions:

(a) The inability of the City to purchase the necessary property through good faith negotiations culminating in the rejection by one or more of the property owners of a good faith offer by the City to purchase their properties; and

(b) The sale of all bonds sufficient to finance the project as described in the UDAG application; and

(c) The granting of and acceptance by the City of UDAG funds from HUD for the Olds Plaza project as described in the UDAG application.

Adopted by the following vote:

Unanimously.

RESOLUTION SETTING HEARING DATE (Olds Plaza Project)

By COUNCILMEMBER ADADO—

RESOLUTION #0355

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on August 11, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, and Worthington, and the following were absent: Councilmember Blair.

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council has heretofore approved a Project Area and established a Project District Area for the Olds Plaza Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer"); and

Whereas, Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2 require that in order for bonds to be issued by the Issuer to assist in the financing of the Project, this City Council conduct a public hearing, after notice, and approve the issuance of bonds, all as provided in the Act and Temporary Regulations; and

Whereas, this City Council wishes to set a date for a public hearing on a Project Plan for the Project to be prepared by the Issuer.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. A public hearing upon the issuance of bonds in the aggregate face amount not to exceed \$10,000,000 and the Project Plan for the Project shall be held at 7 o'clock, p.m., Michigan Time, on the 2nd day of September, 1986, in the City Council Chambers, 10th Floor, City Hall, in the City of Lansing, County of Ingham, State of Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue and the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

2. The City Clerk is hereby requested to publish, post, and mail notice of such hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act and Temporary Treasury Regulations Section 5f.103-2.

3. The City Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, buy only to the extent of such conflict.

Yeas—Councilman Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 11th day of August, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF LANSING
PROJECT PLAN
FOR THE ECONOMIC DEVELOPMENT
CORPORATION

**OF THE CITY OF LANSING
OLDS PLAZA PROJECT
AND ISSUANCE OF LIMITED OBLIGATION
REVENUE BONDS**

Notice is hereby given that the City Council of the City of Lansing will hold a public hearing at 7 o'clock, p.m., in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan, on the 2nd day of September, 1986, on a Project Plan prepared by The Economic Development Corporation of the City of Lansing for its Olds Plaza Project (the "Project"). The Project is to be initially owned by and undertaken for the benefit of Bevcon Incorporated, an Illinois corporation.

The Project consists of the acquisition, renovation and equipping of an existing commercial facility, and the site therefor, for use as a hotel and offices, to be located on the corner of Michigan and South Capitol Avenues, with a street address of 111 South Capitol Avenue, City of Lansing, County of Ingham, Michigan.

The location of the Project Area and the Project District Area in relation to highways, streets, streams or otherwise is indicated in the Project Plan.

Maps, plats, and a description of the proposed Project Plan, including the method of relocating families and individuals who will be displaced from the area, if any, are available for public inspection at the office of The Economic Development Corporation of the City of Lansing, located on the 9th Floor, City Hall, Lansing, Michigan. All aspects of the proposed Project Plan will be open for discussion at the public hearing, including the proposed issuance of limited obligation revenue bonds in the maximum principal amount of \$10,000,000 by The Economic Development Corporation of the City of Lansing to assist in financing the Project. The Project Plan contains further information about the issuance of such bonds and the financial parameters of the proposed bond issue.

The City Council will consider the approval of (i) the Project Plan and (ii) the proposed bond issue only after the public hearing has been completed.

The City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed Amended Project Plan and the proposed bond issue.

RITA M. BAUMAN,
Clerk, City of Lansing

Published, Posted and Mailed to property owners of record within the Project District Area.

August 23, 1986

August 11, 1986

President Benavides and Members
of the Lansing City Council

RE: Redemption of Workers Compensation Claim of
Joseph Garcia

Dear President Benavides

and Members of City Council:

In February of 1979 Mr. Garcia, while working for the Parks and Recreation Department of the City of Lansing, slipped on ice and sustained a soft tissue injury to his back. As a result of that injury, he has been disabled since that time and has received workers compensation benefits. The City has attempted to terminate those benefits and is currently appealing an adverse determination and is seeking a new termination.

As a result of negotiations between representatives of Mr. Garcia and the City, a proposed redemption of \$25,000 has been agreed upon. While such a redemption is substantial, it is reasonable in light of the accrued and potential liabilities based on Mr. Garcia's claim.

Based on the above, this office requests authority to redeem Mr. Garcia's workers compensation claim including all past, present and future liabilities for the amount of \$25,000.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this Workers Compensation Claim be redeemed in the amount of \$25,000.00 for Joseph Garcia.

Carried.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing:

That Councilmembers Blair be excused from the session and Councilmember Creamer be excused for being late due to a Neighborhood Meeting.

Carried.

REMARKS BY THE MAYOR

Invitation to the North Grand Parking Ramp Opening on August 18, 1986.

Announced street closings for the coming week.

Extended invitation to the listening audience to watch Channel 28 after the meeting re: National Night out from all over the country.

REMARKS BY THE CITY COUNCIL

Councilmember Adado announced an Economic Development Committee meeting to be Wednesday at 9:15 a.m. on 10th Floor. Also complimented 911 for their work regarding tragedy on I-496 this past weekend.

Councilmember Creamer spoke of the 4th annual Softball game to benefit the Arthritis Foundation.

Councilmember Benavides announced the Otsu Children's Choir from Otsu, Japan would perform August 14, 1986 at the Dart Auditorium at 7 P.M. This is the 10th Anniversary of performance for the

Choir. Otsu, Japan is our sister city.

Councilmember Worthington asked that the light sequence be changed for Osborn Rd./Verlinden Ave.

Roger Robinson, 609 Armstrong Rd., spoke regarding accident in front of his home on August 6th and the wrecker company driver not picking up the broken glass from the pavement.

Arthur Clyne spoke regarding rezoning petition Z-27-86—508,512, 516 Ash St., 525 E. Oakland and 920-928 N. Cedar St. and stated the site plan for a furniture showroom construction has been filed.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:20 p.m.

RUTH C. WARD,
Chief Deputy City Clerk.

August 11, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, August 18, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

August 18, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—7.

Absent: Councilmember Creamer—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance.

By COUNCILMEMBER SCHMIDT—

That the Council Proceedings of July 7, and 14, 1986 be approved and carried.

REVIEWING ASSESSMENT ROLLS

NO. 300

This is the time set for hearing appeals on the special assessment roll for sanitary sewer on E. Sheridan Rd. from the existing sewer at 810 E. Sheridan Rd. West approx. 400 ft. to serve Lot 29 of Woodlaw Subd. (710 E. Sheridan Rd.).

No persons spoke.

This is the time set for hearing appeals on the special assessment roll for sanitary sewer on E. Sheridan Rd. from approx. 200 ft. west of Turner St. east to 110 E. Sheridan Rd.

William Hicks, 110 E. Sheridan St. spoke and said that sanitary sewers were not needed in this area but that storm sewers were needed.

This is the time set for hearing appeals on the special assessment roll for sanitary sewer on Walker St. from Sheridan Rd. south approx. 600 ft.

Thomas James, 238 E. Sheridan St. spoke.

Shirley Bessette, 3418 Walker St. spoke.

This is the time set for hearing appeals on the special assessment roll for storm sewer on Grovenburg Rd. from end of existing to approx. 115 ft. south and continuing from LaBelle Rd. south approx. 435 ft. to intersection and Edgewood Rd.

No persons spoke.

This is the time set for hearing appeals on the special assessment roll for sanitary sewer on outlet sewer crossing E. Willoughby Rd. from the N. Side of Kingdom Ave. to the South side of road.

No persons spoke.

This is the time set for hearing appeals on the special assessment roll for sanitary sewer on S. Waverly Rd. (west side) from Phoenix Dr. south approx. 400 ft. (to serve 5424 S. Waverly Rd.).

Dean Patterson, Mesey Lane spoke.

Councilmember Belen wanted it noted that she had received a communication from Gerald Huckaba of 5410 So. Waverly Rd. requesting that his name be withdrawn from the petition.

Referred to Committee on Physical Development.

PUBLIC HEARING

August 18, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance to amend Section 31-177 to eliminate Clippert Street between North Grand River and Saginaw Street from the list of one-way streets.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed amendment they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Public Safety and Property.

By COUNCILMEMBER WORTHINGTON—

That the rules be suspended for the purpose of accepting the trophy from County Commissioner Richard Lilly in connection with the softball game that was played on Sunday, August 17, 1986 at Ranney Park with the City winning over the County by the score of 7 to 0 along with the State Journal playing Channel 10 and Channel winning over the State Journal by a score of 5 to 4 after which the City played Channel 10 and winning by a score of 8 to 7.

Remarks were exchanged between County Commissioner Richard Lilly and Council President Tony Benavides.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

No person spoke.

Committee Report #2 in regard to Enterprise Golf Operations was pulled from the agenda.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Circus Licenses: Don Wrench (Easter Seals), Barrett O'Neill, Allan C. Hill Entertainment Corp. (North Lansing Lions Club).

Rubbish Hauler: Tommy Washington

Public Drivers: Rex L. McClure, Eugene H. Warren, Timothy J. Mortimer, Michael J. O'Brian, Leonard C. Leek, William Clifford Wagner.

Limousine Service: Russ Sterenberg.

Referred to the Committee on General Services.

Claims filed by:

a. David Suttan, 908 Just-a-mere Ave., for damages to automobile from hitting a manhole cover that flipped over.

b. William P. Nakfoor, 116 S. Washington Ave., for reimbursement of sewer damages for apartment complex at 1424 S. Pennsylvania.

Referred to the City Attorney.

Michigan Liquor Control Commission submits application from Slammers, Inc. requesting to transfer all stock interest in 1986 B-Hotel with Dance & Entertainment Permit by dropping stockholder thru sales to new stockholder and transfer class from B-Hotel to Class C License and drop space located at 1000 Ramada Dr.

Referred to the City Clerk, Committee on General Services.

Applications for Industrial Facilities Exemption Certificates filed by:

a. Olofsson Corporation, 1407 Rensen Street, for new facility.

b. Olofsson Corporation, 2727 Lyons Avenue for new facility.

Referred to the Committee on Economic Development, Mayor.

Application for tentative preliminary plat approval for Coulson Woods filed by Stephens-Kyes & Associates.

Referred to the Mayor and Planning Department.

Joseph C. Sloane, President, Sloane, Inc., submits letter regarding liability policy for the Building Code-Mechanical Section 9B.

Referred to Committee on General Services.

Letter from Richard A. Knechtges, 4802 Wildwood Ave., regarding H.R. 2895 concerning tax reform and requesting same deduction on city income tax forms.

Referred to the Mayor.

Petitions submitted to construct sanitary sewer on S. Logan St. from the existing sewer south to serve Lots 4, 5, and 6 of Creys Subdivision (5500 Blk. S. Logan St.).

Referred to the Mayor and Committee on Physical Development.

MAYOR COMMENTS ON AGENDA

Mayor spoke on his letters.

4a—EDC Board Appointment—LHIW and Cooley Law School.

4b—Resignation/Eva L. Evans—Capital Area Rail Council.

4c—Public Service Board Commendation of O&M Employees/Snow and Ice Removal Pgm.

4d—Riverfest '86—Beer and Wine Sale Application.

4e—Grant Funds utilized for architectural survey/housing and buildings.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following applications and bond:

Circus Licenses—Don Wrench (Easter Seals), Barrett O'Neill, Allan C. Hill Entertainment Corp. (North Lansing Lions Club).

Rubbish Hauler—Tommy Washington.

Public Drivers—Rex L. McClure, Eugene H. War-

ren, Timothy J. Mortimer, Michael J. O'Brian, Leonard C. Leek, William Clifford Wagner.

Limousine Service: Russ Sterenberg.

reports as follows: That said licenses be approved.

Signed:

Committee on GENERAL SERVICES

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following ordinances:

a. Revising Sections 9B-1, 9B-3, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter.

b. Providing for the repeal of Sections 9E-4, 9E-5, and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect.

c. Amending Chapter 9E by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by Council Resolution.

d. Providing for the repeal of Sections 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect.

e. Amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for Building in the city, providing for battery drainage systems, providing for the setting of fees by resolution.

f. Amending Chapter 9 the Building Code by revising Sections 9-2 and 9-3 for the purpose of Updating the Lansing Uniform Building Code reports as follows:

That said ordinance be approved.

Signed:

Committee on GENERAL SERVICES

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

Upon the request of Councilmember Blair, Councilmember Adado made a motion that the Committee Report be changed to read from the Committee on Public Safety and Property.

Carried.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the ordinance revising Section 31-177 of Chapter 31, for the purpose of eliminating Clippert St. between North Grand River and Saginaw Street from the list of one way streets reports as follows:

That said Ordinance be approved.

Signed:

Committee on GENERAL SERVICES

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Much discussion was held.

Motion by Councilmember Blair that we call for the question.

Adopted by the following vote:

Unanimously.

The Committee Report as presented was adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt, Worthington—6.

NAYS—Councilmember Blair—1.

REPORTS OF CITY OFFICERS AND BOARDS

August 14, 1986

President Benavides and Members of Lansing City Council

RE: Claim of Christie Salazar

Dear President Benavides and Members of City Council:

On June 25, 1986, Christie Salazar submitted a claim in the amount of \$1,477.06 for damages as a result of a sewer back-up. Claimant states on June 11, 1986, due to a storm the City sewers backed up into their basement. Water was approximately one foot deep. A city employee came to the house several hours after Claimant phoned the City and indicated that the sewers were backed up all over the City.

A review of Public Service records indicates that there have only been two previous complaints in the Orchard Glen area since 1981. In only one of those two instances was the City line plugged.

Michigan law immunizes municipalities from tort liability where the municipality is engaged in the exercise or discharge of a governmental function. MCLA 691.1407. "A governmental function is an activity which is expressly or implicitly mandated or authorized by law." *Ross v Consumers Power, Co.*, 420 Mich 567 (1986). The City shall have all powers to own, operate

and maintain public sewers. Lansing Charter Chapter 8, §301.

There it is the recommendation of this office that this claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

August 14, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Brenda Williams in the sum of \$58.71

Dear President Benavides and
Members of Lansing City Council:

Brenda Williams has submitted a claim for damage to the valance of her automobile resulting from her vehicle striking a pavement depression February 27, 1986 in the vicinity of 6200 Beechfield Drive, Lansing.

Claimant submitted photographs showing that at the time of the incident, snow had accumulated on the pavement and may have contributed to the resulting damage.

City investigation by the City Engineer disclosed no complaints received by the Public Service Department in late February 1986 concerning any pothole in the area in which the complained damaged occurred.

Claims of this nature are encompassed within governmental immunity unless the public highway defect is one that the City was aware of or with reasonable diligence should have been aware of, and within a reasonable time thereafter, failed to repair. MCLA 691.1403; MSA 3.996 (103).

For the reason that the Public Service Department was without prior complaint relative to the street defect alleged, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

August 15, 1986

President Benavides and Members
of Lansing City Council

RE: Claim of Ida Ann Reid

Dear President Benavides and
Members of City Council:

Ida Ann Reid, 3520 Loveside Terrace, Lansing, filed a claim for damages to her automobile in the amount of \$93.26 which occurred on April 29, 1986 at the Civic Center when a gust of wind blew a metal sign onto the front end of her car as she entered the Civic Center parking lot.

This Claim was investigated by the City Transportation Engineer who reported that on or about 9:00 a.m. on April 29, 1986, Claimant approached the Washenaw Street entrance on the Civic Center lot, at which there was a parking lot attendant on duty. The parking lot was closed to the public as a result of a special function at the Civic Center. Whenever this has occurred in the past, City staff has placed, as in this instance, portable information signs to inform the public that the lot is closed for the special event. These signs are constructed similar to detour barricades. Notwithstanding that the lot was closed to the public, Claimant was authorized to enter the Civic Center to provide reserved parking for its visitors. When Claimant attempted to enter the lot, a gust of wind blew the informational sign onto the left front bumper of her vehicle. The attendant removed the sign and found damage to the left bumper covers and paint. The Traffic Engineer added that the staff has placed these signs in the same manner since the Parking System began operating the lot in December, 1984, and this is the first incident of this type. He also stated that in his opinion the City was not negligent in the use and installation of the sign in question.

Liability is premised on an act of negligence by the City or one of its employees, however, the facts do not support any such finding. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.,

By COUNCILMEMBER SCHMIDT—

That we do not concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$93.26 payable to Ida Ann Reid.

Yeas—Councilmember Adado, Belen, Benavides, Blair, Lindemann, Schmidt.

Nays—Councilmember Worthington.

August 1, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Lynn Machalk for an
Unspecified Sum

Dear President Benavides and
Members of Lansing City Council:

Lynn Machalk has submitted a claim in which she requests reimbursement for an irreparably damaged automobile tire. Claimant states that on March 3, 1986, the front passenger tire to her car was damaged when she drove into a "pothole" at Pennsylvania near Jolly Road.

City investigation discloses that the Public Service Department received two (2) prior complaints of potholes in the general area in which the claimant's tire was damaged—one notice was received February 20, 1986 and claimed that a pothole caused a flat tire, but was not repaired until after claimant's accident; the other notice was received March 2, 1986, with the City promptly erecting a barricade until the hole was filled the next day.

Although claimant's claim is similar to the February 20, 1986 report, claimant informed this office that she traversed this street every day and did not believe the pothole existed before the day she hit it. She also stated that the hole she struck remained for two or three days after her accident before it was repaired.

Because of claimant's description of the pothole causing damage to her tire, it is the opinion of this office that there is insufficient evidence that the pothole existed from February 20, 1986 until March 3, 1986 was a proximate cause of her damage; therefore, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

August 15, 1986

President Benavides and Members
of the Lansing City Council

RE: Outside Legal Counsel, Board of Water & Light

Dear President Benavides and
Members of Lansing City Council

Pursuant to the provisions of the City Charter, the Board of Water & Light, through its attorney, Mr. Larry Wilhite, has requested permission to retain outside legal counsel to assist them in negotiations relating to service franchises in several townships. They have suggested that Mr. Jud Werbelow and the firm of Dickinson, Wright, Moon, VanDusen & Freeman would be able to assist them in this matter. I am forwarding this matter to you at Mr. Wilhite's request.

This office supports and concurs in the Board's request for outside legal counsel in this matter. The matters involved are highly technical and important. They require special expertise and experience. Mr. Jud Werbelow, through his representation of the Michigan Public Power Association and other matters has much experience. He and his firm have offices in the City of Lansing.

Based on the above, this office recommends approval of the Board of Water & Light's request. The Board of Water & Light will be responsible for compensating Dickinson, Wright, Moon, VanDusen & Freeman for their services.

Respectfully submitted,

STEPHEN R. SAWYER,

City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said outside legal counsel be retained for the Board of Water and Light in negotiations matters.

Carried.

August 15, 1986

President Benavides and Members
of the Lansing City Council

RE: Outside Legal Counsel, Firefighters
Contract Negotiations

Dear President Benavides and
Members of Lansing City Council:

As you are aware, negotiations with the Lansing Firefighters Union regarding their future collective bargaining agreement are currently in progress. A number of highly technical and important issues are involved. It is the opinion of Mr. Douglas DeFrain, Director of Labor Relations and this office that he requires legal assistance in this matter.

Based on its past experience with many of the major issues involved in this matter, Mr. DeFrain has requested that Miller, Johnson, Snell and Cumiskey be authorized to assist him in the negotiations and all other proceedings related to this contract. This office concurs in his request.

Miller, Johnson, Snell & Cumiskey maintain regular offices within the City of Lansing and will be compensated for its services at its regular hourly rate, plus reimbursement of expenses.

In light of the fact that negotiations are in progress, your expeditious consideration of this matter is requested.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and that the firm of Miller, Johnson, Snell and Cumiskey be authorized to assist in the negotiations and all other proceedings relative to the Firefighters Union Contract.

Carried.

August 15, 1986

Council President Benavides and
Members of City Council:

Attached herewith is copy of Local Approval Notice for block 100 Limited Partnership for new Resort B Hotel with Dance and Entertainment Permit to be located at 111 North Grand Ave., Lansing, MI.

Resolution of approval is needed for the Michigan Liquor Control Commission to grant the license for the Radisson Hotel.

Most sincerely,

RITA M. BAUMAN,
City Clerk.

Referred to the Committee on General Services.

August 11, 1986

City Council

Dear Councilmembers:

Enclosed is an outline describing the Substance Abuse/Awareness Prevention Project (S.A./A.P.P.) the Lansing Police Department intends to present within selected grade levels of the Lansing School District.

This program will be offered on an individual class basis to approximately 250 separate classes, or 7,500 students. In addition to the awareness portion in the schools, we will be presenting programs to parents and concerned adults within our community. These programs will focus on general information concerning chemical abuse and/or dependence and provide a guide to area resources for assessment and/or treatment.

The ultimate goal of this project is to reduce the use of chemicals among our children. We are depending on your support to enhance the success of this project. If you can assist the Lansing Police Department in these efforts, please contact the Community Services Unit, Lansing Police Department, 120 W. Michigan Avenue, Lansing, MI 48933, (517) 372-9400, extension 120. Officer Donald Schneider, of the Community Services Unit will coordinate this project and provide the essential networking for the responding agencies.

"Thank you" in advance for your support.

Sincerely,

RICHARD A. GLEASON,
Chief of Police.

Received and placed on file.

Councilman Blair left the session.

August 13, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides and
Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Ronald Lott and Howard Ivey as Temporary Directors for the LHIW Economic Development Corporation project.

Mssrs. Lott and Ivey are currently serving as Temporary Directors on the EDC projects.

I trust you will give careful consideration to the appointment of these gentlemen to this important project.

Best personal regards,

Sincerely,

TERRY J. MCKANE,
Mayor.

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and the appointments of Ronald Lott and Howard Ivey as temporary Directors for the LHIW Economic Development Corporation project be confirmed.

Carried.

August 13, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and Councilmembers:

The Capital Area Rail Council, created by the Lansing City Council, receives its membership through appointments made by City Council.

Due to the resignation of Eva L. Evans, I recommend that an appointment be made to replace her.

Sincerely,

TERRY J. MCKANE,
Mayor.

Referred to the Committee of the Whole.

DATE: August 12, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Public Service Board Commendation of O&M
Employees/Snow and Ice Removal Program.

The attached correspondence is submitted for your information.

TERRY J. MCKANE,
Mayor.

Received and placed on file.

DATE: August 12, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Riverfest '86—Beer and Wine Sale Application

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. MCKANE,
Mayor

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and permission be granted for the sale of Beer & Wine at the Riverfest '86—August 29, 30, 31, 1986.

Carried.

Referred to the Committee on General Services.

August 14, 1986

Council President Benavides and
Councilmembers

Dear Council President Benavides and
Councilmembers:

The City was awarded a \$12,000 grant from the History Division of the Michigan Department of State on September of 1985. The funds were utilized for an architectural survey of housing and buildings in certain areas of the City. The City's share was \$1,100 of funds and 11,011 of in kind services.

The project proceeded very well and is completed; however, due to requests from the State for additional buildings that were to be surveyed during the project, the City has been granted additional funds in the amount of \$2,500 to cover the costs. There is much more in kind match in place than is required.

Attached is a suggested resolution for your consideration accepting the additional funds.

Thank you for your assistance and cooperation.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to Committee on Ways and Means.

Councilmember Blair returned to the session.

DATE: August 13, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Grass Assessment L-29 (\$2,653.70)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER LINDEMANN—

That we concur in the Mayors recommendation and said assessments be placed on the assessment rolls.

Carried.

DATE: August 12, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Assessment for Demolitions—62-K (\$11,420.00)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and said assessments be placed on the assessment rolls.

Carried.

DATE: August 13, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Submission of attached correspondence
Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

TERRY J. McKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

By ECONOMIC DEVELOPMENT COMMITTEE

RESOLUTION #0356

Whereas, the Lansing City Council has established a Lansing Commercial Redevelopment District CRD-13-80, at East Michigan and South Grand Avenue, and has issued a Commercial Facilities Exemption Certificate for a new facility of a Project at that site to the Grandview Plaza Associates; and

Whereas, Riverview Associates has applied for the transfer of this Commercial Facilities Exemption Certificate for a new facility at East Michigan and South Grand Avenue; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Riverview Associates; application for the transfer of the Commercial Facilities Exemption Certificate for a new facility.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the transfer of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Commercial Redevelopment District CRD-13-80; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, September 8, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0357

Whereas, the Lansing City Council has established a Lansing Commercial Redevelopment District CRD-13-80, at East Michigan and South Grand Avenue, and has issued a Commercial Facilities Exemption Certificate for restoration of an existing facility of a Project at that site to the Grandview Plaza Associates; and

Whereas, Riverview Associates has applied for the transfer of this Commercial Facilities Exemption Certificate for restoration of an existing facility at East Michigan and South Grand Avenue; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Riverview Associates; application for the transfer of the Commercial Facilities Exemption Certificate for restoration of an existing facility.

Now, Therefore, Be It Resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the transfer of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Commercial Redevelopment District CRD-13-80; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, September 8, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0358

Whereas, the Lansing City Council has established a Lansing Commercial Redevelopment District CRD-12-80, at One Michigan Avenue, and has issued a Commercial Facilities Exemption Certificate for a Project at that site to Lansingmark, Inc.; and

Whereas, the Chicago Dock and Canal Trust has applied for the transfer of this Commercial Facilities Exemption Certificate at One Michigan Avenue; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on the Chicago Dock and Canal Trust's application for the transfer of the Commercial Facilities Exemption Certificate.

Now, Therefore, Be It Resolved, that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the transfer of the Certificate; and

Be It Further Resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within

said Lansing Commercial Redevelopment District CRD-12-80; and

Be It Finally Resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, September 8, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0359

RESOLUTION SETTING HEARING DATE
(Michigan Products, Inc. Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on August 18, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt, and Worthington, and the following were absent: Councilmember Creamer.

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, this City Council has heretofore approved a Project Area and established a Project District Area for the Michigan Products, Inc. Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer"); and

Whereas, Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2 require that in order for bonds to be issued by the Issuer to assist in the financing of the Project, this City Council conduct a public hearing, after notice, and approve the issuance of bonds, all as provided in the Act and Temporary Regulations; and

Whereas, this City Council wishes to set a date for a public hearing on a Project Plan for the Project to be prepared by the Issuer.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. A public hearing upon the issuance of bonds in the aggregate face amount not to exceed \$600,000 and the Project Plan for the Project shall be held at 7 o'clock, p.m., Michigan Time, on the 8th day of September, 1986, in the City Council Chambers, 10th Floor, City Hall, in the City of Lansing, County of Ingham, State of Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue and the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

2. The City Clerk is hereby requested to publish,

post, and mail notice of such hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act and Temporary Treasury Regulations Section 5f.103-2.

3. The City Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

Yeas—Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—8.

Nays—None.

Abstentions—Councilmember Creamer.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 18th day of August, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0360

LANSING CITY COUNCIL
RESOLUTION APPROVING PROJECT AREA,
ESTABLISHING PROJECT DISTRICT AREA
(Apothecary Medical Center Project)

The following preamble and resolution were offered by Councilmember Adado and supported by Councilmember Belen:

Whereas, the Economic Development Corporation Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Lansing and its residents to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

Whereas, the Act provides a means by which these needs may be addressed; and

Whereas, a project has been proposed (the "Project") to The Economic Development Corporation of the City of Lansing (the "Issuer") which would assist

in the alleviation of the aforementioned conditions; and

Whereas, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Council for its approval thereof.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

Land located in the City of Lansing, County of Ingham, State of Michigan, more particularly described as follows:

Commencing at the Southwest corner of Lot 1, thence East 132 feet, thence North 123.75 feet, thence East 4 feet, thence North 82.5 feet, thence West 136 feet, thence South 206.25 feet to the point of beginning Block 53, Original Plat, City of Lansing, Ingham County, Michigan,

also Commencing 132 feet East of Southwest corner lot 1, thence North 123.75 feet, thence East 4 feet, thence North 56.25 feet, thence East 20 feet \pm West R/W line of North Grand Avenue, Southeasterly along R/W line of North R/W line of Saginaw St., thence West 34.25 feet to point of beginning, Block 53, original Plat, City of Lansing, Ingham County, Michigan.

and The West 115.5 feet of the North 181.5 feet of Lot 1, Block 53, Original Plat, City of Lansing, Ingham County, Michigan.

and. Commencing 115.5 feet East of the Northwest corner of Lot 1, thence South 181.5 feet, East 20.5 feet, South 26.25 feet, East 20 feet more or less to the West right-of-way of North Grand Avenue, thence Northwesterly along said right-of-way line to the South right-of-way line of Madison Street, thence 4 feet more or less to beginning, Block 53, Original Plat, City of Lansing, Ingham County, Michigan.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area herein certified as approved is hereby established.

3. Pursuant to Section 20(b) of the Act, a Project Citizens District Council is not required for the Project and therefore, such a Council shall not be formed.

4. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

Nays—None.

Abstentions—Councilmember Creamer.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting

of the City Council of the City of Lansing, Michigan, held on the 18th day of August, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0361

LANSING CITY COUNCIL
RESOLUTION APPROVING PROJECT AREA,
ESTABLISHING PROJECT DISTRICT AREA
(LHIW Corporation Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on August 18, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt, and Worthington, and the following were absent: Councilmember Creamer.

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, the Economic Development Corporations Act, Public Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan the continuing need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises to strengthen and revitalize the economy to encourage and assist the location and expansion of industrial and commercial enterprises to more conveniently provide needed services and facilities to the State, the City of Lansing and the residents thereof, to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

Whereas, the Act provides a means by which these needs may be addressed; and

Whereas, LHIW Corporation, and Ohio corporation has notified The Economic Development Corporation of the City of Lansing (the "Issuer") of a project that would assist in the alleviation of the aforementioned conditions; and

Whereas, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Council for its approval thereof.

Now, Therefore, Be It Hereby Resolved by this City Council of the City of Lansing, as follows:

1. The following Project Area, as designated by the Issuer is hereby certified as approved:

Lot #5 of the Midway Industrial Center, City of Lansing, County of Ingham, Michigan.

2. The territory surrounding said designated Project

Area will not be significantly affected by the Project, and therefore, a Project District Area having the same description as the Project Area is hereby established.

Pursuant to Section 20(b) of the Act, a Project Citizens District Council is not required and, therefore, the Project Citizens District Council shall not be formed.

The Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

Nays—None.

Abstentions—Councilmember Creamer.

Resolution declared adopted.

STATE OF MICHIGAN)
COUNTY OF INGHAM) SS.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 18th day of August, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0362

LANSING CITY COUNCIL
RESOLUTION APPROVING PROJECT AREA,
ESTABLISHING PROJECT DISTRICT AREA
(Thomas M. Cooley Law School Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan held at 7:00 o'clock p.m., Michigan Time, on August 18, 1986, at which the following members were present:

Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt, and Worthington, and the following were absent: Councilmember Creamer.

The following preamble and resolution were offered by Councilman Adado and supported by Councilman Belen:

Whereas, the Economic Development Corporations Act, Public Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan the continuing need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises to strengthen and revitalize the economy, to encourage and assist the location and expansion of industrial and commercial enterprises to more conveniently provide needed services and facilities to the State, the City of Lansing and the residents thereof, to promote the forestry and

agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

Whereas, the Act provides a means by which these needs may be addressed; and

Whereas, Thomas M. Cooley Law School has notified The Economic Development Corporation of the City of Lansing (the "Issuer") of a project that would assist in the alleviation of the aforementioned conditions; and

Whereas, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Council for its approval thereof.

Now, Therefore, Be It hereby resolved by this City Council of the City of Lansing, as follows:

1. The following Project Area, as designated by the Issuer is hereby certified as approved:

The south 22 feet of the east 159 feet of Lot 5 and the east 159 feet of Lot 6, Block 128, original plat, City of Lansing, Ingham County, Michigan.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area is hereby established.

3. Pursuant to Section 20(b) of the Act, a Project Citizens District Council is not required and, therefore, the Project Citizens District Council shall not be formed.

The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas—Councilman Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

Nays—None.

Abstentions—Councilmember Creamer.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 18th day of August, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION -0363

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a policy regarding the disposition of vacant lots in Neighborhood Development Areas; and

Whereas, Section 8-403.4 of the City Charter of the City of Lansing require that City Council approve proposed sales of real estate,

Now, Therefore, Be It Resolved by the Lansing City Council that the following proposed sales be and are hereby approved:

To Marilyn Foust of 1035 S. Holmes Street, Lansing, MI, the property legally described as the North 27 feet of Lot 49, Excelsior Land Co. Subdivision, City of Lansing, Ingham County, Michigan (commonly known as a portion of 1041 S. Holmes Street, #3301-22-205-111); and

To Don Meade, the property legally described as the South 6 feet of Lot 49, and Lots 50 and 51, Excelsior Land Co. Subdivision, City of Lansing, Ingham County, Michigan (commonly known as a portion of 1041 S. Holmes Street, #3301-22-205-111, #3301-22-205-121, and #3301-22-205-131); and

To Don Meade, the property legally described as Lots 11 and 12, Block 20, Park Place, City of Lansing, Ingham County, Michigan (commonly known as vacant land—300 Block of W. Mt. Hope, #3301-21-382-112 and 3301-21-382-152).

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0364

Resolved by the City Council of the City of Lansing:

Whereas, the Otsu Children's Choir of Otsu, Shiga, Japan is celebrating the tenth anniversary of its first visit to the City of Lansing by again visiting the City of Lansing, August 14-16, 1986; and

Whereas, the Otsu Children's Choir under the administrative leadership of Jun Nakamura and the artistic leadership of Kensho Nakai, Conductor, and Harumi Misaki, Pianist, have visited the City of Lansing six times in the past ten years; and

Whereas, the Otsu Children's Choir's dedication to the advancement of mutual understanding and friendship and its commitment to the development of the Otsu-Lansing sister city relationship is an inspiration for all people of goodwill; and

Whereas, the Otsu Children's Choir has earned an international reputation for musical excellence;

Now, Therefore, Be It Resolved, the Otsu Children's Choir and its leadership be highly commended and congratulated for its laudable contributions to the fine arts and international understanding; and

Be It Further Resolved, that a copy of this resolution be presented to the Otsu Children's Choir as evidence of the affection and high regard in which they are held by the people of the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0365

Resolved by the City Council of the City of Lansing:

Whereas, the Otsu Children's Choir has benefitted from the leadership of Jun Nakamura; and

Whereas, the City of Lansing has enjoyed a highly valued relationship with the Otsu Children's Choir which, in large part, is the result of Jun Nakamura's effective and dedicated leadership; and

Whereas, the Otsu Children's Choir is visiting the City of Lansing for the sixth time in the past ten years; and

Whereas, Jun Nakamura will not be accompanying the Otsu Children Choir on the occasion of their August 14-16, 1986 visit to the City of Lansing;

Now, Therefore, Be It Resolved that the Lansing City Council takes this occasion to extend their best wishes and appreciation to Jun Nakamura as evidence of the high regard in which he is held by the people of the City of Lansing.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

1) \$225,000.00 from Fund Balance '69 Storm Sewer Bond Fund

A/C 401-000-0000-390.3

225,000.00 to Lenawee St. Sewer Separation

A/C 401-787-010-974.661

(to incur costs per low bid, original project cost estimate (\$105,000) was prepared prior to detailed engineering plans or studies as to scope of project.)

2) \$215,000.00 from '69 Storm Sewer Bonds Fund Balance

A/C 401-000-000-390.3

215,000.00 to Washtenaw St. Sewer Separation

A/C 401-787-010-974.698

(to incur construction costs per low bids, original budget \$200,000 (\$100,000 in Sewage Disposal Fund) prepared prior detailed engineering plans or studies as to scope of project)

3) \$150,000.00 from Fund Balance '69 Storm Sewer bond Fund

A/C 401-000-000-390.3

150,000.00 to City Portion Storm Sewers

A/C 401-787-010-974.677

(Additional funds required to incur City portion of storm sewers for Edgewood Boulevard Construction Phase I.)

4) \$14,097.05 from Fund Balance G.M. Park Trust Fund

A/C 713-000-000-0390

14,097.05 to Baptist House Renovation

A/C 713-170-000-930

(City match of fund for improvements of Cooley-Haze House, per Council resolution of 11-3-80.)

Recommended by:

JAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER WORTHINGTON

The Committee reported that it had considered Ordinances providing that the Code of Ordinances, City of Lansing, Michigan, be amended by:

a. Revising Sections 9B-1, 9B-3, 9B-5, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter.

b. Providing for the repeal of Sections 9E-4, 9E-5, 9E-7 and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect.

c. Amending Chapter 9E by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by Council Resolution.

d. Providing for the repeal of Sections 9C-4, 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect.

e. Amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for Building in the city, providing for battery drainage systems, providing for the setting of fees by resolution.

f. Amending Chapter 9 of the Building Code by revising Sections 9-2 and 9-3 for the purpose of Updating the Lansing Uniform Building Code and recommended that the ordinances be passed.

Councilmember Blair left the session.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Sections 9B-1, 9B-3, 9B-5, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen ven-

ting and powers to the Mechanical Board consistent with the 1978 City Charter be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Sections 9B-1, 9B-3, 9B-5, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 719

CHAPTER 9B—BUILDING CODE: MECHANICAL DIVISION

An Ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Sections 9B-1, 9B-3, 9B-5, 9B-9, 9B-10 and 9B-11 for the purpose of updating the Lansing Uniform Building Code by adopting the Uniform Mechanical Code, 1985 Edition, and providing certain amendments to it regarding permits, the setting of fees by council resolution, venting, commercial kitchen venting and powers to the Mechanical Board consistent with the 1978 City Charter.

The City of Lansing Ordains:

Section 1. That Chapter 9B of the Code of Ordinances of the City of Lansing, Michigan, be revised by amending Sections 9B-1, 9B-3, 9B-5, 9B-9, 9B-10, and 9B-11 of said code.

Sec. 9B-1. Adopting of Mechanical Code; 1985 Edition.

That certain document or booklet accompanying this chapter, an official copy of which is on file in the office of the city clerk of the City of Lansing, being marked and designated as the Uniform Mechanical Code, 1985 Edition, published by the International Conference of Building Officials, is hereby adopted and made part of the "Lansing Uniform Building Code" pursuant to the authority vested in the City of Lansing by MCLA 125.1508; MSA 5.1192(5).

This code provides regulations for the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilating, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances.

Sec. 9B-3. Authority of board generally.

The board shall consider all proposed amendments of this code, promulgated to safeguard the standards of mechanical construction within the city of Lansing, and shall submit same to the MAYOR AND city council.

If a vacancy occurs in the office of the chief mechanical inspector, the mechanical board MAY submit the name(s) of person(s) to the PERSONNEL DEPARTMENT for consideration. THE CITY MAY APPOINT ANY QUALIFIED PERSON TO THE OFFICE OF THE CHIEF MECHANICAL INSPECTOR WHETHER OR NOT THE PERSON WAS ON THE LIST SUBMITTED BY THE MECHANICAL BOARD. The chief mechanical inspector shall have six (6) years experience in the mechanical construction industry as a mechanical contractor or engineer. The chief mechanical inspector shall be licensed as a contractor in one or more of the following categories: (a) hydronic heating and cooling and process piping; (b) heating, ventilation, and air conditioning equipment; (c) limited service, heating or refrigeration; (d) unlimited service, heating or refrigeration.

IN ADDITION TO THE POWERS PROVIDED TO ADVISORY BOARDS BY THE 1978 CITY CHARTER, the mechanical board shall advise the chief mechanical inspector on all matters pertaining to rules, regulations, and interpretations and application of the code. Appeals from decisions, rules, regulations and interpretations of the code shall be submitted to the building board of appeals.

Sec. 9B-9. Amendments to Uniform Mechanical Code; 1985 Edition.

The Uniform Mechanical Code adopted by section 9B-1 of this chapter is hereby changed, altered, or amended to read as follows:

Section 103, Scope, Appendix "B" is hereby specifically adopted.

Section 203, Board of Appeals, is hereby deleted.

Section 303, Permit Issuance, (a) Issuance, is hereby amended by adding a new subparagraph AND AMENDING PARAGRAPH (d) EXPIRATION AS FOLLOWS:

The building official may withhold issuing new permits to a licensed contractor when it has been determined that work accomplished under a previous permit is in violation of the Mechanical Code and has not been corrected within fifteen (15) days from the date of written notice of such condition. Further, if said corrections are not made within thirty (30) days, the building official may initiate proceedings for the removal of license in accordance with Section 9B-7 REFER THIS MATTER TO THE CITY ATTORNEY FOR THE APPROPRIATE ACTION.

(D) Expiration. EVERY PERMIT ISSUED BY THE BUILDING SAFETY DIVISION UNDER THE PROVISIONS OF THIS CODE SHALL EXPIRE BY LIMITATION AND BECOME NULL AND VOID IF THE WORK AUTHORIZED BY SUCH PERMIT IS NOT COMMENCED, AND AN INSPECTION COMPLETED, WITHIN 180 DAYS FROM THE DATE OF SUCH PERMIT, OR IF THE WORK AUTHORIZED BY SUCH PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER

THE WORK IS COMMENCED FOR A PERIOD OF 180 DAYS. BEFORE SUCH WORK CAN BE RECOMMENCED, A NEW PERMIT SHALL BE FIRST OBTAINED, AND THE FEE THEREFOR SHALL BE ONE HALF THE AMOUNT REQUIRED FOR A NEW PERMIT FOR SUCH WORK, PROVIDED NO CHANGES HAVE BEEN MADE OR WILL BE MADE IN THE ORIGINAL PLANS AND SPECIFICATIONS FOR SUCH WORK AND PROVIDED FURTHER THAT SUCH SUSPENSION OR ABANDONMENT HAS NOT EXCEEDED ONE YEAR. NO PERMIT SHALL BE EXTENDED MORE THAN ONCE. IN ORDER TO RENEW ACTION ON A PERMIT AFTER EXPIRATION, THE PERMITTEE SHALL PAY A NEW FULL PERMIT FEE.

SUBSECTION (B) OF SECTION 304, FEES, IS HEREBY DELETED AND A NEW SUBSECTION (B) OF SECTION 304 IS ADDED TO READ AS FOLLOWS:

ALL FEES THE COLLECTION OF WHICH IS PROVIDED FOR IN THIS CHAPTER SHALL BE SET BY CITY COUNCIL RESOLUTION.

Section 305(a), General, is amended by deleting the last sentence.

Section 305(c), Testing of Equipment is hereby deleted.

Section 306(a), Energy Connections, is hereby deleted.

Section 503. (c) Gas-burning Appliances, is hereby amended by adding the Exception No. 5:

An approved listed semirigid or flexible metal tubing connector may be used to connect only an unvented gas appliance and any appliance subject to movement.

Section 508. Location, is hereby amended by adding the following sentence to the second paragraph:

Solid-fuel-burning appliances are not permitted in commercial garages.

Section 602(a), Location, is hereby amended by adding the following:

Combustion air in total quantities specified, are permitted in a single duct, installed as required for the lowest duct.

Section 603(a), Air from Outside, is amended by deleting the first sentence and adding the following:

Combustion air obtained from outside the building shall commence above grade a minimum of thirty (30) inches.

Section 710(g), Roof Access Scuttle, is hereby amended by adding a new sentence to read as follows:

Building sixteen (16) feet or greater in height above grade shall be provided with a roof scuttle not less than thirty (30) inches by thirty (30) inches in size. This required opening shall be directly above a provided ceiling opening, a minimum of thirty (30) inches by thirty (30) inches in size. Directly beneath this opening shall be an unobstructed floor area sufficient to permit placement of the necessary ladder.

Section 710, (h), Access, is amended by deleting Exception (1).

Section 904, LOCATION AND SUPPORT OF VENTING SYSTEM OTHER THAN MASONRY, IS HEREBY AMENDED BY ADDING THE FOLLOWING:

THAT PORTION OF AN EXTERIOR B-1 VENT BELOW THE EAVE LINE SHALL BE ENCASED IN AN INSULATED CHASE.

THAT PORTION OF A B-1 VENT THAT PENETRATES AN ATTIC AREA SHALL BE PROVIDED WITH AN INSULATION STOP ONE INCH FROM THE VENT WHICH EXTENDS FROM THE FIRE STOP TO A POINT FOUR INCHES (4") ABOVE INSULATION.

Section 913(b), GAS VENTING INTO EXISTING MASONRY CHIMNEYS, IS HEREBY AMENDED BY DELETING THE SECOND PARAGRAPH OF ITEM (6) AND ADDING THE FOLLOWING:

CHIMNEYS SHALL BE LINED WITH AN APPROVED LINER.

Section 1002(c), Joints and Seams of Ducts, is hereby amended by deleting the second two paragraphs and adding the following:

Joints and seams of round ducts shall be substantially airtight. Slip joint shall have a contact lap of at least one and one-half (1½) inches and shall be individually fastened in an approved manner. Tapes used for sealing joints shall not be more combustible than approved flame-proof fabric.

Section 1004(b), Factory Made Air Ducts, SHALL BE AMENDED BY ADDING THE FOLLOWING:

CLASS I AND II FACTORY MADE AIR DUCTS (RIGID AND FLEXIBLE) SHALL BE FABRICATED, INSTALLED, SUPPORTED, AND SEALED USING THE STANDARDS SET FORTH IN THE LATEST EDITION OF THE MANUFACTURERS INSTALLATION INSTRUCTIONS OR THE SHEET METAL AND AIR CONDITIONING CONTRACTORS NATIONAL ASSOCIATION, INC., FIBERGLASS MANUAL, DUCT CONSTRUCTION STANDARDS.

Section 2003(k) PERFORMANCE TEST, IS HEREBY DELETED AND A NEW PARAGRAPH ADDED AS FOLLOWS:

PERFORMANCE TEST: UPON COMPLETION AND BEFORE FINAL APPROVAL OF THE INSTALLATION OF A VENTILATION SYSTEM SERVING COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT, A PERFORMANCE TEST BY A CERTIFIED BALANCING CONTRACTOR MAY BE REQUIRED WHEN DEEMED NECESSARY BY THE BUILDING OFFICIAL TO VERIFY THE RATE OF AIR FLOW AND PROPER OPERATION AS SPECIFIED IN THIS CHAPTER.

CHAPTER 20, COMMERCIAL HOODS AND KITCHEN VENTILATION, IS HEREBY AMENDED BY ADDING A NEW SECTION 2004 AS FOLLOWS:

SECTION 2004, MICHIGAN DEPARTMENT OF PUBLIC HEALTH RULES, WHEREVER THE PROVISION OF THIS CHAPTER CONFLICTS WITH THE STATE OF MICHIGAN ADMINISTRATIVE RULES FOR THE DESIGN OF COM-

MERCIAL HOODS AND KITCHEN VENTILATION THE MORE RESTRICTIVE REQUIREMENTS AS DETERMINED BY THE BUILDING OFFICIAL SHALL PREVAIL.

Appendix B. SECTION 2101, PURPOSE, IS HEREBY AMENDED BY ADDING THE FOLLOWING SENTENCES:

THE REGULATION CONTAINED WITHIN THIS CHAPTER SHALL APPLY ONLY TO GROUP R DIVISION 1 OCCUPANCIES HAVING NOT MORE THAN 5 LIVING UNITS AND GROUP R DIVISION 3 OCCUPANCIES.

APPENDIX B, SECTION 2105, PERMITS REQUIRED, IS HEREBY AMENDED BY DELETING THE LAST PARAGRAPH.

APPENDIX B, SECTION 2123, INSPECTION AND TESTS, IS HEREBY DELETED.

APPENDIX B. SECTION 2124, OPERATING PERMITS, IS HEREBY DELETED.

APPENDIX B, SECTION 2125, MAINTENANCE INSPECTION, IS HEREBY DELETED.

APPENDIX B, SECTION 2203, PERMITS IS HEREBY AMENDED BY DELETING THE LAST SENTENCE AND ADDING THE FOLLOWING:

SERVICE GAS SUPPLIERS NEED NOT COMPLY WITH THIS SECTION.

APPENDIX B, SECTION 2207, CERTIFICATE OF INSPECTION, IS HEREBY DELETED.

Sec. 9B-11. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter.

Section 2. All Ordinances or parts of Ordinances inconsistent with the provision hereof are hereby repealed.

Section 3. This Ordinance shall become effective ninety (90) days after the date of passage.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for repeal of Sections 9E-4, 9E-5, 9E-7 and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections 9E-4, 9E-5, 9E-7 and 9E-13 of Chapter 9E and declaring the same to be null and void and of no effect be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 720

An Ordinance of the City of Lansing, Michigan, providing for the repeal of Sections 9E-4, 9E-5, 9E-7 and 9E-13 of Chapter 9E of the Code of Ordinances, City of Lansing, Michigan and declaring the same to be null and void and of no effect.

The City of Lansing Ordains:

Section 1. That Sections 9E-4, 9E-5, 9E-7 and 9E-13 of Chapter 9E of the Code of Ordinances are hereby repealed and declared null and void and of no effect.

Section 2. This ordinance shall become effective ninety (90) days after the date of passage.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Chapter 9E by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by Council Resolution be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

This this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Chapter 9E by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13 and 9E-14 for the purpose of providing powers to the Electrical Board consistent with the 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by Council Resolution be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 721

CHAPTER 9E BUILDING CODE: ELECTRICAL

An Ordinance of the City of Lansing, Michigan,

providing that Chapter 9E of the Code of Ordinances of Lansing, Michigan, be amended by revising Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13, and 9E-14, for the purpose of providing powers to the Electrical Board consistent with 1978 City Charter, providing for thermal protection for ballasts and providing for the setting of all fees by council resolution.

The City of Lansing Ordains:

Section 1. That Chapter 9E of the Code of Ordinances of Lansing, Michigan, be revised by amending Sections 9E-1, 9E-4, 9E-5, 9E-10, 9E-13, and 9E-14 to read as follows:

Sec. 9E-1. Adoption of electrical code NATIONAL ELECTRICAL CODE; 1984 EDITION.

That certain document or booklet accompanying this chapter, an official copy of which is on file in the office of the city clerk of the City of Lansing, being marked and designated as the National Electrical Code, 1984 Edition, published by the National Fire Protection Association, is hereby adopted and made part of the "Lansing Uniform BUILDING Code" pursuant to the authority vested in the City of Lansing by the Home Rule Act, being MCLA 117.1 et seq.; MSA 5.2071 et seq.

This code provides regulations for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of electrical systems.

SEC. 9E-4. ELECTRICAL BOARD CREATED; COMPOSITION; APPOINTMENT, TERM OF MEMBERS.

THERE IS HEREBY CREATED AN ELECTRICAL BOARD, HEREINAFTER KNOWN AS THE BOARD, COMPOSED OF FIVE (5) MEMBERS APPOINTED BY THE MAYOR WITH THE ADVICE AND CONSENT OF THE CITY COUNCIL. ONE MEMBER OF THE BOARD SHALL BE AN ELECTRICAL CONTRACTOR, ONE SHALL BE AN ELECTRICAL JOURNEYMAN, AND ONE SHALL BE A REPRESENTATIVE OF AN ELECTRICAL UTILITY. EACH OF THE AFOREMENTIONED MEMBER(S) SHALL HAVE HAD A MINIMUM OF FIVE (5) YEARS OF ELECTRICAL EXPERIENCE IN THE GROUP HE/SHE REPRESENTS. ONE MEMBER SHALL BE A REPRESENTATIVE OF A MANUFACTURING INDUSTRY EMPLOYING ELECTRICAL JOURNEYMAN AND THE FIFTH MEMBER SHALL BE A RESIDENT OF THE CITY OF LANSING. ALL MEMBERS SHALL SERVE FOR A TERM OF FOUR (4) YEARS. SAID TERMS SHALL COMMENCE ON JULY 1ST OF THE CALENDAR YEAR APPOINTED. ALL VACANCIES SHALL BE FILLED BY THE MAYOR WITH THE ADVICE AND CONSENT OF THE CITY COUNCIL. THE CHIEF ELECTRICAL INSPECTOR SHALL SERVE AS THE SECRETARY OF THE BOARD.

SEC. 9E-5. AUTHORITY OF BOARD.

(a) THE ELECTRICAL BOARD SHALL BE AN ADVISORY BOARD AND SHALL HAVE ALL THE RESPONSIBILITIES AND DUTIES IDENTIFIED IN THE CITY CHARTER INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(1) THE ELECTRICAL BOARD SHALL ADVISE THE BUILDING SAFETY DIRECTOR REGARDING INTERPRETATIONS OF THE NATIONAL ELECTRICAL CODE, AS ADOPTED PURSUANT TO SECTION 9E-1 HEREIN AND AS AMENDED IN SECTION 9E-13 HEREIN.

(2) THE ELECTRICAL BOARD SHALL REVIEW, PREPARE AND/OR RECOMMEND TO THE MAYOR AND CITY COUNCIL RULES, REGULATIONS OR AMENDMENTS TO THE NATIONAL ELECTRICAL CODE AS ADOPTED PURSUANT TO SECTION 9E-1 HEREIN AND AS AMENDED IN SECTION 9E-13 HEREIN.

(3) IF A VACANCY OCCURS IN THE POSITION OF CHIEF ELECTRICAL INSPECTOR, THE ELECTRICAL BOARD MAY SUBMIT THE NAME(S) OF QUALIFIED INDIVIDUALS TO THE PERSONNEL DEPARTMENT FOR CONSIDERATION BY THE CITY. IN ADDITION TO ANY REQUIREMENTS SET FORTH IN THE JOB DESCRIPTION BY THE CITY, THE CHIEF ELECTRICAL INSPECTOR SHALL HAVE A MASTER JOURNEYMAN'S ELECTRICAL LICENSE.

(b) APPEALS REGARDING ANY RULES, REGULATIONS OR PROVISIONS OF THE NATIONAL ELECTRICAL CODE AS ADOPTED PURSUANT TO SECTION 9E-1 HEREIN AND OR AMENDED IN SECTION 9E-13 HEREIN OR OF ANY INTERPRETATION THEREOF SHALL BE SUBMITTED TO THE BUILDING BOARD OF APPEALS ESTABLISHED PURSUANT TO SECTION 204 OF THE UNIFORM BUILDING CODE AS AMENDED BY CHAPTER 9, SECTION 9-E.

SEC. 9E-10—FEES.

(1) All fees UNLESS OTHERWISE PROVIDED FOR IN THIS CHAPTER, SHALL BE SET BY COUNCIL RESOLUTION, AND shall be paid in advance. Copies of the electrical permit fee schedule shall be on file in the office of the city clerk and in the building SAFETY DIVISION.

(2) Double fee. Where work for which a permit is required by this code is started or proceeded with, prior to obtaining said permit, the fees PROVIDED IN COUNCIL RESOLUTION shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

SEC. 9E-13. AMENDMENTS TO NATIONAL ELECTRICAL CODE; 1984 EDITION.

THE NATIONAL ELECTRICAL CODE, ADOPTED BY SECTION 9E-1 OF THIS CHAPTER, IS HEREBY AMENDED TO READ AS FOLLOWS:

ARTICLE 410-73(e). THERMAL PROTECTION. IS HEREBY AMENDED TO READ AS FOLLOWS:

WHERE FLUORESCENT FIXTURES ARE INSTALLED INDOORS, THE BALLASTS SHALL HAVE THERMAL PROTECTION INTEGRAL

WITHIN THE BALLAST. REPLACEMENT BALLASTS FOR ALL FLUORESCENT FIXTURES INSTALLED INDOORS SHALL ALSO HAVE THERMAL PROTECTION INTEGRAL WITHIN THE BALLAST.

SECTION TO (e) ABOVE: FLUORESCENT FIXTURES WITH SIMPLE REACTANCE BALLASTS.

ALL LIGHTING FIXTURES WITHIN BUILDINGS, WHICH ARE BALLAST OR TRANSFORMER OPERATED, SHALL HAVE EACH SUCH BALLAST OR TRANSFORMER INDIVIDUALLY PROTECTED BY AN APPROVED OVER-CURRENT DEVICE.

Sec. 9E-14. Savings Clause.

Should any portion of this chapter or any portion of the Lansing Uniform Electrical Code adopted hereby PURSUANT TO SECTION OE-1 HEREIN AND AS AMENDED IN SECTION 9E-13 HEREIN be declared unconstitutional or illegal, such holding shall not be deemed to effect the validity of any other part or portion thereof.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall become effective ninety (90) days after the date of passage.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections 9C-4, 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections 9C-4, 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C and declaring the same to be null and void and of no effect be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 722

An Ordinance of the City of Lansing, Michigan, providing for the repeal of Sections 9C-4, 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C of the Code of Ordinances, City of Lansing, Michigan and

declaring the same to be null and void and of no effect.

The City of Lansing Ordains:

Section 1. That Sections 9C-4, 9C-10, 9C-11, 9C-14, 9C-16 and 9C-18 of Chapter 9C of the Code of Ordinances are hereby repealed and declared null and void and of no effect.

Section 2. This ordinance shall become effective ninety (90) days after the date of passage.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for Building in the city, providing for battery drainage systems, providing for the setting of fees by resolution be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Sections 9C-1, 9C-3, 9C-18, 9C-20 and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for Building in the city, providing for battery drainage systems, providing for the setting of fees by resolution be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 723

CHAPTER 9C—BUILDING CODE PLUMBING

An Ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Sections 9C-1, 9C-3, 9C-18, 9C-20, and 9C-21 for the purpose of adopting the Uniform Plumbing Code, 1985 Edition and amendments to it pertaining to the authority of the Plumbing Board, Backwater Valves, Sanitary Facilities for building in the city, providing for Battery Drainage System, providing for the setting of fees by resolution.

The City of Lansing Ordains:

Section 1. That Chapter 9C of the Code of Ordinances of the City of Lansing, Michigan, be revised by

amending Section 9C-1, 9C-3, 9C-18, 9C-20 AND 9C-21.

Sec. 9C-1. Adoption of Uniform Plumbing Code; 1985 Edition.

That certain document or booklet accompanying this chapter, an official copy of which is on file in the office of the city clerk of the City of Lansing, being marked and designated as the Uniform Plumbing Code, 1985 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and made part of the "Lansing Uniform Building Code" pursuant to the authority vested in the City of Lansing by Section 8 of the State Construction Code, Act No. 230 of 1972.

This code provides regulations for erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any plumbing or drainage systems except that any private or on site sewage disposal system or any private or on site water supply system shall be constructed and maintained in accordance with applicable provisions of the Ingham County Sanitary Code.

The provisions of this chapter pertaining to plumbing or drainage systems shall not be deemed to extend beyond the property line of any lot, nor shall any permit issued hereunder be construed as giving the right to connect with a public sewer or water main.

Sec. 9C-3. Authority of Board.

The board of plumbing shall consider all proposed amendments to the Uniform Plumbing Code, as ADOPTED IN SECTION 9C-1 OF THIS CHAPTER AND AMENDED IN SECTION 9C-21 OF THIS CHAPTER promulgated to safeguard the standards for the installation and alteration of plumbing within the City of Lansing, and shall make recommendations regarding the same to the MAYOR AND city council.

If a vacancy occurs in the office of the chief plumbing inspector, the board of plumbing MAY submit the name(s) of a qualified person(s) to the PERSONNEL DEPARTMENT for consideration. The CITY shall then appoint a person to the office of the chief plumbing inspector, but ANY PERSON WHO MEETS THE MINIMUM QUALIFICATIONS MAY BE APPOINTED WHETHER OR NOT ON THE LIST SUBMITTED BY THE PLUMBING BOARD. The chief plumbing inspector shall have six (6) years experience in the plumbing field as a master or journeyman plumber licensed by the State of Michigan. The chief plumbing inspector shall have POSSESSED A registered license with the City for a minimum of two CONSECUTIVE (2) years PRIOR TO THE DATE OF APPLICATION FOR THE POSITION.

The board of plumbing shall make ADVISE, REVIEW AND/OR RECOMMEND all necessary rules, regulations and interpretations and applications of the code AS ADOPTED IN SECTION 9C-1 AND AMENDED IN 9C-21 HEREIN. IN ADDITION, THE BOARD SHALL POSSESS ALL POWERS GRANTED TO IT AS AN ADVISORY BOARD BY THE 1978 CITY CHARTER and shall advise the chief plumbing inspector to implement and enforce the same. The board shall advise the plumbing inspectors only in the areas of its technical expertise, leaving ad-

ministrative direction to the director of building safety. Appeals from decisions, rules, regulations, and interpretations shall be submitted to the board of appeals.

SEC. 9C-18. FEES.

(A) ALL FEES THE COLLECTION OF WHICH IS PROVIDED FOR IN THIS CHAPTER SHALL BE SET BY CITY COUNCIL RESOLUTION.

(B) DOUBLE FEE. WHERE WORK FOR WHICH A PERMIT IS REQUIRED BY THIS CODE IS STARTED OR PROCEEDED WITH PRIOR TO OBTAINING SAID PERMIT, THE FEES ABOVE SPECIFIED SHALL BE DOUBLED, BUT THE PAYMENT OF SUCH DOUBLE FEE SHALL NOT RELIEVE ANY PERSONS FROM FULLY COMPLYING WITH THE REQUIREMENTS OF THIS CODE IN THE EXECUTION OF THE WORK NOR FROM ANY OTHER PENALTIES PRESCRIBED HEREIN.

(C) PLUMBING SAFETY INSPECTIONS OF EXISTING BUILDINGS FOR RESALE PURPOSES, INCLUDING A LETTER LISTING ANY CORRECTIONS NEEDED SHALL BE PERFORMED ON RECEIPT OF A WRITTEN REQUEST AND BY PAYMENT OF A FEE, SET BY COUNCIL RESOLUTION.

Sec. 9C-20. Permits Regulated.

(a) Except as otherwise provided in Section 9C-7, permits for all plumbing work shall be issued only in the name of a person who is a registered licensed master plumber.

(a) All work not performed under as homeowner's permit shall be performed under the entire supervision of a properly registered employing master plumber.

(2) All work not performed under a homeowner's permit shall be done by licensed master or journeymen plumbers, or apprentices WORKING UNDER THE DIRECT SUPERVISION OF A MASTER PLUMBER who are registered as such with the state plumbing board.

(3) The board of plumbing may revoke the permit of any plumber who has violated any of the provisions of the rules and regulations governing plumbing or neglect of the plumber to make necessary changes as directed within three (3) days after notification.

(b) Every permit issued by the chief plumbing inspector under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced a new permit shall be obtained to do so, and the fee therefor shall be one-half (½) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further that such suspension or abandonment has not exceeded one year FROM THE DATE OF EXPIRATION OF THE PERMIT. IN ALL OTHER CIRCUMSTANCES. THE PERMITTEE SHALL PAY THE FULL PERMIT FEE.

Sec. 9C-21. Revisions to uniform plumbing code.

The Uniform Plumbing Code, adopted by section 9C-1 of this chapter is hereby changed, altered or amended as follows:

Part 1, Administration, is hereby deleted.

SECTION 20.3 OF PART 1, ADMINISTRATION, IS HEREBY DELETED.

SECTION 20.7 OF PART 1, ADMINISTRATION, IS HEREBY DELETED.

SECTION 20.13 OF PART 1, ADMINISTRATION, IS HEREBY DELETED.

SECTION 20.14 OF PART 1, ADMINISTRATION, IS HEREBY DELETED.

Section 203. Use of Copper Tubing, is hereby amended by deleting subparagraph (d) and adding the following:

Copper tube for water piping shall have a weight of not less than that of copper water type type L. Exception: Type M copper tubing may be used for water piping when piping is above ground in a building.

Section 209. BACKWATER VALVES, IS HEREBY DELETED AND A NEW SECTION ADDED AS FOLLOWS:

Backwater valves shall be of an approved PVC OR CAST IRON OR BRASS BODY, NON-CORRO-SIVE BEARINGS, SEATS AND SELF-ALIGNING DISCS, AND SHALL BE CONSTRUCTED AS TO INSURE A POSITIVE MECHANICAL SEAL AND TO REMAIN CLOSED, EXCEPT WHEN DISCHARGING WASTES. SUCH VALVES SHALL REMAIN SUFFICIENTLY OPEN DURING PERIODS OF LOW FLOWS TO AVOID SCREENING OF SOLIDS AND SHALL NOT RESTRICT CAPACITIES OR CAUSE EXCESSIVE TURBULENCE DURING PEAK LOADS. UNLESS OTHERWISE LISTED, VALVE ACCESS COVERS SHALL BE BOLTED TYPE WITH GASKET AND EACH VALVE SHALL BEAR THE MANUFACTURER'S NAME CAST INTO BODY AND COVER.

Section 310(c). Prohibited Fittings and Practices, is hereby amended to read:

No waste connection shall be made to a closet bend four (4) inches or less or stub of a water closet or similar fixture without venting.

Section 401. Materials, is hereby amended by deleting subsection 401(a) and adding the following:

(a) Drainage pipe shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, extra strength vitrified clay pipe ABS PVC not less than SCH 40 underground or other approved materials having a smooth and uniform bore, except that:

(1) No galvanized wrought iron or galvanized steel pipe shall be used underground and such shall be at least six (6) inches above ground;

(2) ABS, PVC, DWV piping installations shall be limited to those structures where combustible construction is allowed;

(3) No vitrified clay pipe or fittings shall be used above ground and such shall be kept twelve (12) inches below ground.

TABLE 4-1. SINKS AND DISHWASHERS (RESIDENTIAL), IS HEREBY AMENDED BY DELETING TWO INCHES (2") AND ADDING ONE AND ONE-HALF (1½") WASTE MINIMUM.

Section 406. Cleanouts, is hereby amended by deleting subparagraph (a) and adding the following:

(a) Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal and each run of piping which is more than fifty (50) feet in total developed length shall be provided with a cleanout for each fifty (50) feet or fraction thereof in length of such piping.

Section 501. Vents Required, is hereby amended by adding a new paragraph as follows:

Any fixture branch shall be vented if it is connected within three (3) feet of a waste/soil stack base, and above which, into the stack, other fixtures with a combined discharge of four (4) fixture units or more are connected.

Section 504. Size of Vents, is hereby amended by adding new subparagraphs (c) and (d):

(c) Relief vents for existing residential structures may be unprotected and installed on the exterior wall of existing residential structures when permitted by the administrative authority. Such relief vents shall be not less than three (3) inches in diameter.

(d) All exterior vent piping shall be not less than three (3) inches in diameter.

Section 601. Indirect Waste Conditions, is hereby amended by adding a new paragraph as follows:

All food service establishments licensed under MCLA 333.12901 et seq., MSA 14.15 (12901), shall comply with the following requirements:

(1) No disposal unit shall be installed in a three-compartment sink unless installed in a depressed well specifically designed for such unit, with a separate trap and waste connection.

(2) All dishwashers, and the sanitizing compartment of a three-compartment sink shall have an indirect waste connection, unless there is a floor drain installed which connects to the same line within three (3) feet of the unit.

Section 613. Vertical Wet Venting, is amended by deleting subsections (a), (b) and (c), and adding the following:

Any combination of fixtures with ratings of two (2) fixture units or less may be connected to waste stacks at different floor levels without reventing, not to exceed the following schedule:

1½" Waste Stack2 Fixture Units
2" Waste Stack4 Fixture Units
3" Waste Stack8 Fixture Units
4" Waste Stack36 Fixture Units

Section 702. Traps Protected by Vent Pipes, is amended by deleting subsection (b) and Table 7-1 and adding the following:

(b) Single fixtures which are within eight (8) feet in developed length from the seal of the trap to a main vented line, may be installed without additional venting, providing the vertical drop does not exceed three (3) feet.

Section 806. Prohibited Joints and Connections, is hereby amended by deleting subparagraph (a) Drainage System, and adding the following:

(a) Any fitting or connection which has an enlargement, chamber or recess with a ledge, shoulder or reduction or pipe area, that offers an obstruction to flow through the drain is prohibited, except that specifically designed stack fittings may be used upon approval as to safety by the plumbing officials.

Section 910. PLUMBING FIXTURES REQUIRED, IS HEREBY AMENDED BY DELETING THIS PARAGRAPH AND ADDING THE FOLLOWING:

Section 910. PLUMBING FIXTURES REQUIRED. EACH BUILDING SHALL BE PROVIDED WITH SANITARY FACILITIES AS PRESCRIBED IN TABLES 9-1 THROUGH 9-20.

Section 1004. Materials, is hereby amended by deleting subparagraph (a) and adding the following:

(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, GALVANIZED WROUGHT IRON, galvanized steel or other approved materials. Asbestos-cement, CHLORINATED POLYVINYL CHLORIDE (CPVS), polybutylene (PB), polyethylene (PE), or Polyvinyl chloride (PVC) water pipe manufactured in accordance with ASTM or other nationally recognized standards may be used for cold water distribution systems outside a building. Polybutylene (PB) and chlorinated polyvinyl chloride (PCVC) water pipe and tubing manufactured in accordance with ASTM or other nationally recognized standards may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices, shall be of a like material, except where otherwise approved by the administrative authority. All hot water distribution pipe and tubing shall have a minimum pressure rating of 80 PSI (551.20kPa) at one hundred eighty degrees Fahrenheit (82 degrees C).

Section 1008. Installation, Inspection, and Testing, is amended by adding a new subsection (f) as follows:

(f) All water service pipes installed between city water mains and city water meters shall be installed, inspected, and maintained by the board of water and light in accordance with all applicable city codes.

Section 1107. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade. Additional building sewer cleanouts shall be installed at intervals not to exceed fifty (50) feet in a straight run and for each aggregate change in

direction exceeding one hundred thirty-five (135) degrees.

Section 1312. Venting or Water Heaters—General, is hereby amended by adding a new subparagraph (i) as follows:

(i) Single wall metal pipe used as a connector shall not originate in any unoccupied space.

Appendix J. Battery Drainage System, is hereby added:

CHAPTER 6 ENTITLED INDIRECT AND SPECIAL WASTES IS HEREBY AMENDED BY ADDING A NEW SECTION 616 ENTITLED BATTERY DRAINAGE SYSTEMS AS FOLLOWS:

Any horizontal branch, soil or waste pipe, to which two (2) or more fixtures (except blowout-type water closets), are connected in a battery, may be vented by a circuit or loop vent.

The circuit or loop vent of a battery drainage system shall be installed vertically in front of the last upstream fixture. In addition, lower floor branches serving more than three (3) water closets shall be provided with a relief vent taken off vertically in front of the first fixture connection.

No more than eight (8) water closets may be connected to a battery drainage system. The fixture unit value for all fixtures shall be as listed in Tables 4-1 and 4-2. The horizontal branch for its full length to the furthest fixture shall be uniformly sized as listed in Table 4-3, based on the total number of fixtures.

The vent of a battery drainage system shall be sized for the fixture unit demand of battery system according to Table 4-3, based on the total number of fixtures. The relief vent may be wet vented with a fixture drained, vertically into the battery drainage system; such vent shall be the same size as the circuit vent it intersects.

All vents shall rise vertically to (6) inches above the flood level of the highest fixture on the system.

Sec. 9C-22. Severability.

The Sections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph, or section of this chapter shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall become effective ninety (90) days after the date of passage.

TABLE NO. 9-1
Employees—All Buildings Where
Separate Restroom Facilities are Required
For the Employees

Occupant load is composed of 50% of each sex.

One unisex restroom consisting of 1 water closet and 1 lavatory is permissible in building with a total of 15 or fewer employees.

Urinals shall not be installed in unisex restrooms.

MALES				FEMALES		
No.	W.C.	UR	Lav	No.	W.C.	Lav.
1-7	1	1	1	1-7	1	1
8-15	1	1	1	8-15	1	1
16-35	2	1	1	16-35	2	1
36-55	3	1	2	36-55	3	2
56-80	4	1	2	56-80	4	2
81-110	5	1	3	81-110	5	3

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 45 persons of each sex, or fraction thereof, starting at III.

2. Urinals may be substituted for not more than 1/2 of the required number of water closets.

3. Each public restroom shall have at least one floor drain.

TABLE NO. 9-2
Theaters, Sports Arenas, Stadiums

Occupant load is composed of 50% of each sex.

MALES				FEMALES		
No.	W.C.	UR	Lav	No.	W.C.	Lav.
1-50	1	1	1	1-50	1	1
51-100	2	1	1	51-100	2	1
101-150	3	1	2	101-150	3	2
151-300	4	1	3	151-300	4	3

In addition, 1 water closet and 1 lavatory shall be provided for each additional 150 persons of each sex, or fraction thereof, starting at 301.

2. One drinking fountain is required for each 500 persons.

3. One service sink per floor is required.

4. Urinals may be substituted for not more than 1/2 of the required number of water closets.

5. Each public restroom shall have at least one floor drain.

TABLE NO. 9-3

Food Service Establishments Licensed to Dispense Alcoholic Beverages on the Premises, Including Night Clubs, Bars, Cocktail Lounges, and Restaurants.

Occupant load is composed of 50% of each sex.

MALES				FEMALES		
No.	W.C.	UR	Lav	No.	W.C.	Lav.
1-50	1	1	1	1-50	1	1
51-150	2	1	2	51-150	2	2
151-300	3	1	3	151-300	4	3
301-500	4	2	4	301-500	5	4

1. Employee restroom facilities shall be separate

from customer facilities. Employee fixture requirements shall be determined from employee fixture requirements in Table No. 1.

2. In addition, 1 water closet and 1 lavatory shall be provided for each additional 200 persons of each sex, or fraction thereof, starting at 501.

3. Food service establishments are required to have a Michigan Department of Health approved hand wash sink located in the food preparation and alcoholic beverage preparation areas and the dishwashing or utensil-washing area.

4. Each establishment shall have at least 1 service sink. The service sink may be of the floor type with a raised curb and drain.

5. Urinals may be substituted for not more than 1/2 of the required number of water closets.

6. Each restroom shall have at least 1 floor drain.

TABLE NO. 9-4
FOOD Service Establishments (Without Alcoholic Beverages) Including Restaurants, Coffee Shops, Cafeterias, and Delicatessens.

Occupant load is composed of 50% of each sex.

One unisex restroom consisting of 1 water closet and 1 lavatory is permissible in establishments with a total occupancy of 15 or fewer persons, including employees.

Urinals shall not be installed in unisex restrooms.

MALES				FEMALES		
No.	W.C.	UR	Lav	No.	W.C.	Lav.
1-7	1	1	1	1-7	1	1
8-50	1	1	1	8-50	1	1
51-150	1	1	2	51-150	2	2
151-300	2	2	3	151-300	3	3

1. Employees are to be included in the total occupancy count for establishments with an occupancy of 50 or fewer persons. Separate restroom facilities for employees shall not be required for establishments with a total occupancy load of 50 or fewer persons.

2. Separate employee restrooms are required for establishments with a total occupancy of 51 or more persons. Refer to the employee fixture requirements in Table No. 1 to determine employee restroom requirements.

3. Food service establishments with counter service only (no seating) shall be exempt from the requirement of providing restroom facilities for the public. Employee restroom facilities are required.

4. Food service establishments with counter service only (no seating) of the free-standing kiosk type, or in food court within malls, shall be exempt from providing restroom facilities for employees if restroom facilities under the same ownership, lease, or control are within 500 feet of the employees' usual working place.

In addition, 1 water closet and 1 lavatory shall be provided for each additional 200 persons of each sex, or fraction thereof, starting at 301.

6. Urinals may be substituted for not more than 1/2 of the required number of water closets.

7. Food service establishments shall have at least 1 service sink. The service sink may be of the floor type with a raised curb and drain.

8. Each restroom shall have at least 1 floor drain.

9. Food service establishments are required to have a Michigan Department of Public Health approved hand wash sink located in the food preparation area and the dishwashing or utensil washing area.

TABLE NO. 9-5

Exhibition Halls, Libraries, Recreation Centers, Passenger Terminals, and Other Similar Purpose Assembly Buildings.

Occupant load is composed of 50% of each sex.

MALES				FEMALES		
No.	W.C.	UR	Lav No.	W.C.	Lav.	
1-100	1	1	1	1-100	1	1
101-200	2	1	1	101-200	2	1
201-400	3	1	2	201-400	3	2
401-900	4	1	3	401-900	4	3

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 500 persons of each sex, or fraction thereof, starting at 901.

2. One drinking fountain is required for each 1,000 persons.

3. One service sink per floor is required.

4. Urinals may be substituted for not more than 1/2 of the required number of water closets.

5. Each public restroom shall have at least 1 floor drain.

TABLE NO. 9-6

Schools
Elementary and Secondary

Occupant load is composed of 50% of each sex.

MALES						FEMALES					
No. of Students	Water Clos.		Urinals		Lavatories	No. of Students	Water Closets		Lavatories		Fount
	E	S	E	S			E	S	E	S	
1-15	1	1	1	1	1	1-15	1	1	1	1	1
16-40	1	1	1	1	1	16-40	2	1	1	1	1
41-80	2	1	2	2	2	41-80	2	2	2	2	2
81-120	3	2	3	3	3	81-120	4	3	3	3	2
121-150	4	2	4	4	4	121-150	5	4	4	4	3
151-200	5	3	5	5	5	151-200	6	5	5	5	4
201-300	6	4	7	7	6	201-300	8	7	6	6	5
301-400	7	5	9	9	7	301-400	10	9	7	7	7
401-500	8	6	11	11	9	401-500	12	11	9	9	8
501-600	9	7	13	13	11	501-600	14	13	11	11	9
601-800	11	8	17	16	12	601-300	17	16	12	12	11
801-1000	12	9	18	17	13	801-1000	19	18	13	13	12

"E"—Elementary Schools.

"S"—Secondary Schools, including post-high school.

1. In addition, 1 fixture of each type listed shall be provided for each additional 200 persons of each sex, or fraction thereof, starting at 1,001.

2. One service sink per floor is required.

3. Urinals shall not be installed in the individual classroom restrooms in elementary schools. Required urinals for elementary schools shall be placed in group restrooms.

4. Each public restroom shall have at least 1 floor drain.

5. Faculty and employee restrooms shall be separate. Employee fixture requirements shall be determined from the employee fixture requirements in Table No. 1.

TABLE NO. 9-7
Churches

Occupant load is composed of 50% of each sex.

MALES				FEMALES		
No.	W.C.	UR	Lav No.	W.C.	Lav.	
1-150	1	1	1	1-150	1	1
151-300	2	1	1	151-300	2	1
301-450	3	1	2	301-450	3	2
451-600	4	1	3	451-600	4	3

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 200 persons of each sex, or fraction thereof, starting at 601.

2. One drinking fountain is required in each building.

3. One service sink is required in each building.

4. Urinals may be substituted for not more than 1/2 of the required number of water closets.

5. Each public section shall have at least 1 floor drain.

6. Plumbing fixtures may be located in adjacent buildings under the ownership or control of the church when accessible during periods the church is occupied.

TABLE NO. 9-8

Business-Professional Services, Offices, Civic Administration Activities, Banks, Research Laboratories, Service Stations, Out-Patient Clinics

Occupant load is composed of 50% of each sex.

One unisex restroom consisting of 1 water closet and 1 lavatory is permissible in buildings with a total of 15 or fewer occupants.

Urinals shall not be installed in unisex restrooms.

MALES				FEMALES		
No.	W.C.	UR	Lav	No.	W.C.	Lav.
1-7	1	1	1	1-7	1	1
8-20	1	1	1	8-20	1	1
21-40	2	1	1	21-40	2	1
40-60	3	1	2	41-60	3	2

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 50 persons of each sex, or fraction thereof, starting at 61.

2. One service sink per floor is required. This requirement shall be waived if 75% of the floor area of the business is carpeted.

3. One drinking fountain is required for each 100 persons for buildings 5,000 square feet and less. Refer to section P-1220.1.

4. Urinals may be substituted for not more than 1/2 of the required number of water closets.

5. Each public restroom shall have at least 1 floor drain.

6. Required restroom facilities may be located in central core restrooms if all of the following requirements are complied with:

a. Required restroom facilities are accessible to occupants of the building at all times.

b. Required restroom facilities are located on each floor of a multi-story building.

c. Occupants are not required to travel more than 200 feet from the required restroom facility area.

TABLE NO. 9-11

Institutional—Hospitals, Sanitariums, Homes for the Aged

Wards					
MALE			FEMALE		
Number	Water Closets	Lavatories	Number	Water Closets	Lavatories
1-8	1	1	1-8	1	1
9-16	2	1	9-16	2	1
17-23	3	2	17-24	3	2
25-32	4	2	25-32	4	2
INDIVIDUAL ROOMS					
WATER CLOSETS		LAVATORIES			
1 PER ROOM		1 PER ROOM			

TABLE NO. 9-9

Factories and Industrial Uses, Including High-Hazard Buildings and Structures

Occupant load is composed of 50% of each sex.

One unisex restroom consisting of 1 water closet and 1 lavatory is permissible in buildings with a total of 15 or fewer occupants.

Urinals shall not be installed in unisex restrooms.

MALES				FEMALES		
No.	W.C.	UR	Lav No.	W.C.	Lav.	
1-7	1	1	1	1-7	1	1
8-15	1	1	1	8-15	1	1
16-30	2	1	1	16-30	2	1
31-45	3	1	2	33-45	3	2

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 25 persons of each sex, or fraction thereof, starting at 46.

2. One drinking fountain is required for each 75 persons.

3. One service sink is required in each building.

4. Urinals may be substituted for not more than 1/2 of the required number of water closets.

5. Each public restroom shall have at least 1 floor drain.

6. Emergency shower and eye wash stations are to be installed as per the requirements of sections P-1222.1 and P-1222.2.

TABLE NO. 9-10

Adult Group Homes, Adult Congregate Homes Governed by Department of Social Services Rules Promulgated by Authority of Section 3 of Act No. 287 of Public Acts of 1972, Being §331.683 of the Michigan Compiled Laws.

Water Closets	Lavatories	Bath/Shower
1 per 8 persons	1 per 8 persons	1 per 8 persons

1. Laundry facilities shall be provided.

2. Hot water temperature shall range from 110 degrees Fahrenheit to 120 degrees Fahrenheit at the fixtures.

3. At least 1 water closet and 1 lavatory shall be provided on each floor having resident bedrooms.

1. In addition, 1 water closet and 1 lavatory shall be provided in wards for each additional 8 persons of each sex, or fraction thereof, starting at 33.

2. Bathing facilities shall be provided for each 15 persons of each sex, or fractions thereof.

3. One drinking fountain is required for each 100 persons.

4. One service sink per floor is required.

5. Employee restroom facilities shall be separate from patient facilities. Employee fixture requirements shall be determined from the employee fixture requirements in Table No. 1.

6. One water closet and lavatory shall be provided for each 75 visitors. Unisex facilities are permitted for visitor restrooms. Urinals shall not be installed in unisex restrooms.

7. Each public restroom shall have at least 1 floor drain.

TABLE NO. 9-12
Institutional—Jails, Prisons, Reformatories

Minimum Security		
Water Closets 1 per 8 inmates or fraction thereof	Lavatories 1 per 8 inmates or fraction thereof	Showers 1 per 15 in- mates or frac- tion thereof
Medium and Maximum Security		
1 per cell	1 per cell	1 per 15 inmates or fraction thereof

1. One drinking fountain is required for each 100 inmates.

2. One service sink is required in each building.

3. Urinals may be substituted for not more than 1/2 of the required water closets in low-security prisons.

4. Employee restroom facilities shall be separate from inmate facilities. Employee fixture requirements shall be determined from the employee fixture requirements in Table No. 1.

5. One water closet and lavatory shall be provided for each 75 visitors. Unisex facilities are permitted for visitor restrooms. Urinals shall not be installed in unisex restrooms.

TABLE NO. 9-13
Mercantile—Retail Stores, Shops, Sales Rooms, Shopping Malls Exceeding 5,000 Square Feet of Floor Area. Customers only.

Occupancy is composed of 50% of each sex.

MALES				FEMALES		
No.	W.C.	UR	Lav.	No.	W.C.	Lav.
1-100	1	1	1	1-100	1	1
101-200	2	1	1	101-200	2	1
201-300	3	1	2	201-300	3	2
301-700	4	1	3	301-700	4	3

In addition, 1 water closet and 1 lavatory shall be provided for each additional 400 persons of each sex, or fraction thereof, starting at 701.

2. One drinking fountain is required for each 1,000 persons. At least 1 drinking fountain per floor is required.

3. One service sink per floor is required.

4. Urinals may be substituted for not more than 1/2 of the required number of water closets.

5. Each public restroom shall have at least 1 floor drain.

6. Employee fixture requirements shall be determined from the employee fixture requirements in Table No. 9-14.

7. Facilities for customers shall not be required in stores of less than 5,000 square feet. In shopping centers and shopping malls, required facilities shall be based on total square footage and facilities may be installed in individual stores or in a central toilet area if the distance of travel from the main entrance of any store does not exceed 500 feet or more than 1 flight of stairs.

8. The total square footage of the theaters, restaurants, and other assembly use groups located within malls may be subtracted from the total square footage when determining occupant load. Fixture requirements for these assembly use groups shall be determined from the respective tables relating to assembly use groups.

9. Following determination of total occupant load in mercantile establishments more than 5,000 square feet of floor area, the total employee count may be subtracted from the total occupant load to determine required customer facilities.

TABLE NO. 9-14
Mercantile—Retail Stores, Shops, Sales Rooms, Shopping Malls Employees only.

Occupant load is composed of 50% of each sex.

One unisex restroom consisting of 1 water closet and 1 lavatory is permissible in buildings with a total of 15 or fewer employees.

Urinals shall not be installed in unisex restrooms.

MALES				FEMALES		
No.	W.C.	UR	Lav	No.	W.C.	Lav.
1-7	1	1	1	1-7	1	1
8-15	1	1	1	8-15	1	1
16-35	2	1	1	16-35	2	1
36-55	3	1	2	36-55	3	2
56-80	4	1	2	56-80	4	2
81-110	5	1	3	81-110	5	3

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 45 persons of each sex, or fraction thereof, starting at 111.

2. One service sink per store is required. This requirement shall be waived if 75% of the floor area of the store is carpeted.

3. Urinals may be substituted for not more than 1/2 of the required number of water closets.

4. Each public restroom shall have at least 1 floor drain.

TABLE NO. 9-15
Hotels and Motels

Water Closets 1 per guest room	Lavatories 1 per guest room	Bath/Showers 1 per guest room
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One service sink per floor is required.

TABLE NO. 9-16
Residential-Dormitories

Occupant load is composed of 50% of each sex, unless designated otherwise.

MALE			FEMALE		
Number	Water Closets	Lavatories	Number	Water Closets	Lavatories
1-8	1	1	1-8	1	1
9-16	2	1	9-16	2	1
17-24	3	2	17-24	3	2
25-32	4	2	25-32	4	2

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 8 persons of each sex, or fraction thereof, starting at 33.

2. Urinals may be substituted for not more than 1/2 of the required number of water closets.

3. One bathing facility for each sex shall be provided for every 8 persons or fraction thereof.

4. One drinking fountain is required for each 75 persons.

5. One laundry facility is required for each 50 persons.

6. One service sink per floor is required.

TABLE NO. 9-17
Residential—Multi-Family (More than two units.)

Water Closets 1 per dwelling unit	Lavatories 1 per dwelling unit	Bath/Showers 1 per dwelling unit	Kitchen Sinks 1 per dwelling unit
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One laundry facility shall be provided for each 20 dwelling units or fraction thereof. Laundry facilities may be located in the same building as the dwelling units or in a community building accessible to the tenants of the complex.

TABLE NO. 9-18
Residential—1 and 2 Family Dwellings

Water Closets 1 per dwelling unit	Lavatories 1 per dwelling unit	Bath/Shower 1 per dwelling unit	Kitchen Sinks 1 per dwelling unit	Laundry Facilities 1 per dwelling unit
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TABLE NO. 9-19
Storage

Occupant load is composed of 50% of each sex.

One unisex restroom consisting of 1 water closet and 1 lavatory is permissible in buildings with a total of 15 or fewer occupants.

Urinals shall not be installed in unisex restrooms.

MALE				FEMALE		
Number	Water Closets	Urinals	Lavatories	Number	Water Closets	Lavatories
1-100	1	1	1	1-100	1	1

1. In addition, 1 water closet and 1 lavatory shall be provided for each additional 100 persons of each sex, or fraction thereof, starting at 101.

2. Uninals may be substituted for not more than 1/2 of the required number of water closets.

3. One drinking fountain is required in each building. Refer to section P-1220.1.

4. One service sink is required in each building.

5. Plumbing fixture requirements shall be waived when equivalent facilities are located in adjacent buildings under the same ownership, lease, or control, and where the maximum distance of travel from the employee's usual working area to the plumbing facilities does not exceed 500 feet.

TABLE NO. 9-20

Public and Semi-Private Swimming Pools Governed by the Department of Public Health Rules Promulgated by Authority of Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

Maximum Bather Capacity*	No. of Showers for Each Sex**	Number of Toilet Fixtures		
		MALES		FEMALES
		Water Closets	Urinals	Water Closets
1-50	1	2	2	2
51-100	2	2	2	3
101-200	3	2	3	4
201-300	4	2	3	5
301-500	5	3	3	6
501-1000	6	3	4	7

* The number of fixtures for a larger bather capacity shall be extrapolated.

** At a swimming pool used by classes, 1 shower for every 3 people in the largest class shall be provided for each sex.

1. A toilet room shall have 1 lavatory for every 2 toilet fixtures, including urinals.

2. Each public restroom shall have at least 1 floor drain.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Chapter 9 of the Building Code by revising Sections 9-2 and 9-3 for the purpose of Updating the Lansing Uniform Building Code be placed on order or immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance, providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending Chapter 9 of the Building Code by revising Sections 9-2 and 9-3 for the purpose of Updating the Lansing Uniform Building Code be now passed.

Adopted by the following vote:

Unanimously.

ORDINANCE NO. 724

CHAPTER 9—BUILDING CODE

An Ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by revising Sections 9-2 and 9-3 for the purpose of updating the Lansing Uniform Building Code.

The City of Lansing Ordains:

Section 1. That Chapter 9 of the Code of Ordinances of the City of Lansing, Michigan, be revised by amending Sections 9-2 and 9-3 of said code.

Sec. 9-2. Adoption of building code.

That certain document or booklet accompanying this chapter, an official copy of which is on file in the office of the city clerk of the City of Lansing, being marked and designated as the "Uniform Building Code," 1985 edition, published by the International Conference of Building Officials, is hereby adopted pursuant to the authority vested in the City of Lansing by MCLA 125.1508; MSA 5.1192(5).

This code provides regulations for the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City of Lansing; providing for the issuance of permits; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties, conditions, and terms thereof shall be deemed adopted and made a part hereof by the reference as if fully set out in this chapter.

Sec. 9-3 Amendments to Uniform Building Code

The Uniform Building Code adopted by section 9-2 of this chapter is hereby changed, altered or amended to read as follows:

Section 103, Scope, is hereby amended by adding a new paragraph:

Where sections of this Code specify materials and methods of construction inconsistent with "Provisions for Barrier Free Design" of the State of Michigan Construction Code, THE STATE OF MICHIGAN BARRIER FREE DESIGN RULES shall govern.

Section 201. Creation of Enforcing Agency, is hereby deleted and a new section added as follows:

Division of Building Safety Created.

There is hereby created a building safety division which shall be under administrative and operational control of the director of building safety. The division shall consist of director and such other employees as may be necessary to carry out the work of the building safety division. They shall perform such duties as shall be prescribed by the director and shall devote their entire time to work of the city. Neither the director nor any employee of the division shall be engaged in any private business pertaining to the planning or erection of buildings.

Section 203. Unsafe Buildings or Structures, is hereby deleted and a new section added as follows:

Unsafe Buildings and Structures: Hearing Examiner, Creation, Duties, Powers.

A. General. It is unlawful for any owner or agent hereof to keep or maintain any unsafe or dangerous building WHICH IS CONSTRUCTED, UTILIZED OR DESIGNED FOR NON RESIDENTIAL USES. "Unsafe or dangerous building," means any building which has any of the defects or is in any of the conditions hereinafter described:

(1) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the fire codes applicable to Lansing and the Lansing Uniform Building Code;

(2) Whenever any portion has been damaged by wind, flood, or any other cause, in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Lansing Uniform Code for a new building or similar structure, purpose or location;

(3) Whenever any portion or member or appurtenance is likely to fall or become detached or dislodged, or to collapse, and thereby injure persons or damage property;

(4) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in case of new construction BY THE LANSING UNIFORM BUILDING CODE.

(5) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the pur-

pose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way;

(6) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used;

(7) Whenever the building or structure IS damaged by fire, wind or flood, OR BY ANY CAUSE IS dilapidated or deteriorated SO as to BE an attractive nuisance to children OR A PLACE WHERE VAGRANTS CAN CONGREGATE;

(8) Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction OR ANY OTHER REASON is unsanitary or unfit for habitation or is LATER DETERMINED BY A PUBLIC HEALTH OFFICIAL TO BE A PLACE WHICH VIOLATES ANY PUBLIC HEALTH CODE OR that is likely to cause sickness or disease when so determined by the health officer, or is likely to work injury to the health, safety, or general welfare of those living within;

(9) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

B. Vacation. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the occupants, it shall be ordered to be vacated.

A sign shall be posted at or upon each exit of the building and shall be insubstantially the following form:

**"DO NOT ENTER
UNSAFE TO OCCUPY"**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Safety Division

Department of Planning & Municipal Development
City of Lansing
483-4355"

No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until:

(1) The required repairs, demolition or removal have been completed;

(2) The director has given written permission that the sign be removed; and

(3) A certificate of occupancy, if applicable, has been issued pursuant to the provisions of the Uniform Building Code. AS ADOPTED IN SECTION 9-2 OF THIS CHAPTER AND AS AMENDED IN SECTION 9-3 OF THIS CHAPTER.

Any person violating this subsection shall be guilty of a misdemeanor.

C. Recordation of Unsafe or Dangerous Condition. When the director or an unauthorized representative has determined that a building is unsafe or dangerous, he/she shall file in the office of the REGISTER of

deeds, a notice describing the property and certifying that the building is an unsafe or dangerous building, and that the owner has been so notified.

Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as an unsafe or dangerous building on the property described in the notice, the director or an authorized representative shall file a new notice with the REGISTER of deeds certifying the building has been demolished or all required corrections have been made so that the building is no longer unsafe or dangerous.

D. Notice.

(1) When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the director or an authorized representative shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to the owner, agent or lessee registered with the building safety division. If no owner, agent or lessee has been registered, then the notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on the condition of the building or structure, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail, return receipts requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

E. Hearing and Costs.

(1) The mayor shall appoint two (2) or more hearing officers who shall not be employees of the City of Lansing, one of whom shall be a registered engineer. There shall be a minimum of one (1) hearing per month unless there is no business to conduct.

(2) The hearing officer shall take testimony of the director and/or an authorized representative, the owner of the property and any interested party. The hearing officer shall render a decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(3) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he/she shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(4) If the owner, agent or lessee fails to appear or fails to act within two (2) weeks from the date of the hearing, the hearing officer shall file a report of his/her findings and a copy of this order with the city council and request that the necessary action be taken to demolish or otherwise make safe the building or

structure. A copy of the findings and order of the hearing officer shall be served upon the owner, agent or lessee in the manner prescribed in Section D.

(5) The city council shall fix a date for a public hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee, in the same manner prescribed in Section D, of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the city council shall either approve, disapprove or modify the order for the demolition or making safe of the building structure. If the city council makes the determination that the building shall be demolished or made safe, the owner, agent or lessee shall have twenty (20) days within which to commence repairs or demolition. If, after twenty (20) day, the council's order has not been substantially complied with, council may order the director to proceed with the work specified in such order.

(6) Any cost incurred by the city in the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the City of Lansing, who shall assess the cost against the property on which the building is located.

(7) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he/she fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes.

F. Appeal to Circuit Court. An owner aggrieved by any final decision or order of the city council under Section E may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

Section 204. Board of Appeals, is hereby deleted and a new section added as follows:

Board of Appeals.

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is hereby created a board of appeals, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction. The director, fire marshal, and chief building inspector are ex officio nonvoting members and the chief building inspector shall act as secretary of the board. Members of this board shall be appointed by the mayor with the advice and consent of the city council and shall serve four (4) year terms commencing July 1st of each year. The board shall consist of one member representing each of the following groups:

- (1) General contractors;
- (2) Residential contractors;
- (3) American Institute of Architects;
- (4) Professional engineers;
- (5) General public.

The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the director, with a duplicate copy to the appellant, and may recommend to the city council such new legislation as is consistent therewith. The board shall also hear all appeals from decisions, rules, regulations or interpretations of the electrical board, the chief electrical inspector, the mechanical board, the chief mechanical inspector, the plumbing board, the chief plumbing inspector, or any official or employee of the building safety division.

Section 301. (b) Exempted Work, Item 1, is hereby amended by deleting "120 square feet" and adding "144 square feet."

Section 301. (b) Exempted Work, Item 11, is hereby deleted and a new item 11, added as follows:

11. Minor work as determined by the building official.

Section 304. Permit Fees, is hereby deleted and a new section added as follows:

Section 304. Insurance, Bonds and Licenses AND FEES.

A. Insurance and Bonds. The following insurance requirements shall apply to any person, firm or corporation engaging in the following businesses:

Building wrecker;
Building mover.

Every person, firm or corporation engaged in the business listed above shall file with the city clerk a public liability policy insuring such person, firm or corporation and the City of Lansing against any liability imposed upon such person, firm or corporation and/or the City of Lansing arising out of the performance of the work carried on by such person, firm or corporation. Such policy so filed shall provide for the payment to any person injured or by reason of the death of any one person to the extent of not less than one hundred thousand dollars (\$100,000.00) and for the payment of not less than three hundred thousand dollars (\$300,000.00) for injuries to or the death of more than one person, and for property damage in the amount of not less than one hundred thousand dollars (\$100,000.00).

In addition to the insurance policies hereinbefore specified to be filed with the city clerk of Lansing and approved as a prerequisite to the issuance of a license, any person, firm or corporation engaging in the above listed businesses shall file with the city clerk a bond in the penal sum of ten thousand dollars (\$10,000.00), indemnifying the City of Lansing against any and all violations of any ordinance, rule or regulations of the City of Lansing, to indemnify the City of Lansing for any and all damage to public property of any kind or nature, and conditions that said licensee will pay to the City of Lansing all fines or penalties which may be assessed against said licenses for the breach of any ordinance relating to the work carried on by such person, firm or corporation.

B. License to Demolish Buildings. No person, firm or corporation shall engage in the business of wrecking buildings or other structures without having

secured a license from the city authorizing the holder thereof to carry on or engage in such business.

Issuance. The city clerk is empowered to issue a license to wreck buildings and other structures to any reputable person, firm or corporation, upon the payment of the license fee and the execution and delivery to the city clerk, of a public liability policy which complies with the provisions of (A) Insurance and Bonds qualifications. No license shall be issued until the applicant therefor shall have DEMONSTRATED knowledge, experience, and equipment to properly conduct wrecking operations TO THE SATISFACTION OF THE BUILDING SAFETY DIVISION.

Permits. No permit shall be issued for the wrecking of any building or structure to anyone other than a person, firm or corporation licensed under the provisions of this Code, except that a permit may be issued for the wrecking of a minor building or structure to the owner of the premises upon which such minor building is located. The work or operation of wrecking, under a permit issued to an owner as above provided, shall be performed or executed by the owner, his/her employees, or the member of his/her family, acting under the supervision and direction of the owner.

For the purpose of this section, a minor building shall be described as follows:

A one-story building not exceeding ten thousand cubic feet (10,000 cf) in volume above grade line.

A two-story building constructed of frame or brick veneer containing not more than twenty-five thousand cubic feet (25,000 cf) in volume above the grade line.

The board of appeals may grant variances in the above regulations where there are unusual practical difficulties or hardships, providing such variation will affect the general welfare, health or safety.

Wrecking of buildings shall be conducted in such manner as not to create a nuisance to persons on public streets or on adjoining property. When necessary to prevent excessive dust, the building material shall be wet down. Materials removed from any structure shall not be permitted to fall into streets, alleys or adjacent property or otherwise create a nuisance. Whenever a building is being wrecked in violation of these requirements, it shall be duty of the director to order such work stopped until such conditions have been remedied.

Utility Disconnects. Before any wrecking operations are started, the proper utility companies shall be notified so that any gas, water or electrical services can be properly disconnected. Evidence of such notification shall be provided prior to issuance of permit.

C. License to Move Buildings. No person, firm or corporation shall engage in the business of moving buildings or other structures without having secured a license from the city, authorizing the holder thereof to engage in such business.

Issuance. The city clerk is empowered to issue a license to move buildings and other structures to any reputable person, firm or corporation upon the payment of the license fee and the execution and delivery to the city clerk, of a public liability policy which complies with the provisions of (A) Insurance and Bonds, qualifications. No license shall be issued until the applicant therefor shall have DEMONSTRATED know-

ledge, experience, and equipment to properly conduct the operation of moving buildings and structures TO THE SATISFACTION OF THE BUILDING SAFETY DIVISION.

Permits. No person shall be issued for the moving of any building or structure on the public streets of the city to anyone other than a person, firm or corporation licensed under the provisions of this Code.

Utility Disconnects. Before any moving operations are started, the property utility companies shall be notified so that any gas, water or electric services can be properly disconnected. Evidence of such notification shall be provided prior to issuance of permit.

Moving of Buildings. It shall be unlawful for any person, firm or corporation to move or cause to be moved, or assist in moving of any buildings or structure, from one location to another, whether on the same or different lots, unless the same shall be altered to conform to the class and type governing the construction of such building or structure at the time of moving the same, and in its new location; provided, however, that buildings erected prior to the enactment of this code when in sound structural condition, and fully safe and proper in the opinion of the director for use in the proposed location and for the class of occupancy intended, may by special permission of the director be so moved, when this code is fully complied with in all respects.

No moving permit shall be issued until the necessary clearance has been made with the city parks department which has jurisdiction over any trees that might be involved or injured in the moving operation any utility company, board, firm, corporation, or department owning or controlling any telegraph, telephone, electric light or power or fire or police alarm wires with which said building may come in contact or which may be affected by such moving.

PERMIT FEES. THE FEE FOR EACH PERMIT SHALL BE AS SET FORTH BY CITY COUNCIL.

Section 306. Special Inspections, is hereby deleted **AMENDED BY DELETING "(a) GENERAL" AND ADDING THE FOLLOWING:**

(a) GENERAL. IN ADDITION TO THE INSPECTIONS REQUIRED BY SECTION 305, THE BUILDING OFFICIAL MAY REQUIRE THE OWNER TO EMPLOY A SPECIAL INSPECTOR DURING CONSTRUCTION ON THE FOLLOWING TYPES OF WORK.

Section 307. (a) Use or Occupancy, is hereby deleting "Division 1" from the first sentence.

Section 403. Building Official, is hereby amended by deleting this definition and adding the following:

"Building official" is the director of the building safety division or a duly authorized representative.

Section 405. Definitions, is hereby amended by adding the following:

"Director." Wherever the term "director" appears within this code it shall mean the director of building safety division.

Section 407. Family, is hereby deleted and a new definition added as follows:

"Family." the definition of family found in THE

ZONING CODE BEING Chapter 36, of the Lansing City Code of Ordinances shall be part of the building code for the purposes of definition.

Section 421. Definition and Abbreviations, is hereby amended by adding the following:

"Temporary Building or Structure." "Temporary Building or Structure" shall mean a building or structure used for not more than six (6) months.

SECTION 705. LIGHT VENTILATION AND SANITATION, IS HEREBY AMENDED BY DELETING THE OLD PARAGRAPH AND ADDING A NEW PARAGRAPH.

EVERY BUILDING SHALL BE PROVIDED WITH SANITARY FACILITIES AS PRESCRIBED BY SECTION 910 "PLUMBING FIXTURES REQUIRED" OF THE 1985 EDITION OF THE UNIFORM PLUMBING CODE. SUCH TOILET FACILITIES SHALL BE LOCATED EITHER IN SUCH BUILDING OR CONVENIENTLY IN A BUILDING ADJACENT THERETO ON THE SAME PROPERTY.

Section 1102. Construction, Height and Allowable Area, is hereby amended by adding the following:

(c) Private garages which are constructed in conjunction with Group R occupancies shall comply with the requirements of this section:

(1) The floor of any attached garage shall be of concrete construction;

(2) The sill of any door which provides communication between a garage and a dwelling unit shall be a minimum of four (4) inches above the garage floor;

(3) Detached accessory buildings to private dwellings and dwelling units, including private garages, tool sheds, etc., shall not exceed fifteen (15) feet in height;

(4) One story detached accessory buildings to private dwellings, when located in the rear yard and of Type V construction, may be supported on foundations not less than twelve (12) inches in depth and eight (8) inches in width. Accessory buildings not exceeding one hundred forty-four (144) square feet may be constructed without footings or foundations.

Section 1205. (a) Light and Ventilation, is hereby amended by deleting the first sentence and adding the following:

All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than eight (8) percent of the floor area of such rooms.

Section 1807. (a) Scope, is hereby amended by deleting this paragraph and adding the following:

(a) Scope. This section shall apply to all Group B, Division 2 office buildings and Group R, Division 1 occupancies, each having floors used for human occupancy located more than forty (40) feet above the lowest level of fire department vehicle access. Such buildings shall be provided with either an approved automatic sprinkler system in accordance with Section

1307(c), or safe areas of refuge (compartmentation) in accordance with Section 1807(1).

Section 2305. (d) Snow Loads, is hereby amended by adding the following sentence to the second paragraph:

Lansing being in a snow load area, the roof design load shall be not less than thirty (30) pounds per square foot, live load.

Section 2907. (a) General, is hereby amended by deleting the last sentence and adding the following:

Footings shall have a minimum depth below finished grade of forty-two (42) inches, except as otherwise provided for in this code.

SECTION 3310. "SMOKEPROOF ENCLOSURES", IS HEREBY AMENDED BY DELETING SEVENTY-FIVE FEET (75') FROM PARAGRAPH (b) AND ADDING FORTY FEET (40').

SECTION 3313. EXIT ILLUMINATION IS HEREBY AMENDED BY DELETING (b) POWER SUPPLY 1. SEPARATE BRANCH CIRCUITS AND, 2. SEPARATE SOURCES OR POWER AND ADDING A NEW SUBPARAGRAPH (b) AS FOLLOWS:

(b) SEPARATE SOURCE OF POWER. EVERY GROUP A, B, E, H, I, AND R, OCCUPANCY WITH AN OCCUPANT LOAD OF FIFTY (50) OR MORE PEOPLE WHEN OCCUPIED AFTER SUNSET OR REQUIRING ELECTRIC LIGHTING DURING DAYLIGHT HOURS, SHALL BE EQUIPPED WITH AN AUXILIARY LIGHTING SYSTEM SEPARATED FROM THE NORMAL POWER SUPPLY AND ADEQUATE TO PROVIDE ILLUMINATION FOR ORDERLY EVACUATION OF THE PREMISES IN THE EVENT OF INTERRUPTION OF THE NORMAL POWER SUPPLY.

FOR HIGH-RISE BUILDINGS, SEE SECTION 1807. FOR SMOKEPROOF ENCLOSURES, SEE SECTION 3310(g)(9).

EMERGENCY SYSTEM SHALL BE SUPPLIED FROM STORAGE BATTERIES OR AN ON-SITE GENERATOR SET AND THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ELECTRICAL CODE.

Section 4503. Space below Sidewalk, is hereby deleted and a new section added as follows:

No open areaway shall be constructed upon public property and all such areas adjacent to public property shall be securely guarded with substantial metal rails.

The space adjoining a building below a sidewalk on public property may be used when permitted by resolution of the city council. All such spaces shall be surrounded by concrete retaining walls of ample strength to resist earth pressure and shall be covered with a fireproof floor having a safe live load capacity of not less than two hundred fifty (250) pounds per square

foot. The upper surface of such floor or sidewalk shall be of some reasonably slip-proof material.

No such basements shall be so constructed as to interfere with the pipes, sewers, wires or conduits of the City of Lansing or any public UTILITY.

Footings located at least eight (8) feet below grade may project not more than twelve (12) inches into public property.

Appendix Section 4904. Footings, is hereby deleted and a new section added as follows:

Patio covers attached to R-1 or R-3 occupancies shall be supported on concrete footings forty-two (42) inches below grade.

Appendix Chapter 61. Swimming Pools. The "Uniform Building Code," 1982 edition, is hereby amended by adding a new appendix Chapter 61 as follows:

Chapter 61 Swimming Pools

Section 6101. General.

Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than eighteen (18) inches deep and having a surface area less than two hundred and fifty (250) square feet, except when such pools are permanently equipped with a water recirculating system or involved structural materials. For purposes of this code, pools are classified as private swimming pools or public and semi-public swimming pools, as defined in Section 6102.

Materials and construction used in swimming pools shall comply with the applicable requirements of this code. Pools used for swimming or bathing and their equipment or accessories which are constructed, installed and maintained in accordance with the applicable standards listed in Chapter 60 shall be deemed to conform to the requirements of this code, provided the requirements of Section 6107 and 6108 are included in the installation.

Section 6102. Classification of Pools.

Any constructed pool which is used, or intended to be used, as a swimming pool in connection with a single-family residence and available only to the family of the householder and his/her private guests shall be classified as a private swimming pool. Any swimming pool other than a private swimming pool shall be classified as a public or semi-public swimming pool.

Section 6103. Permits.

A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the building official.

(a) Plans. Plans shall accurately show dimensions and construction of pool and appurtenances and properly established distances to lot lines, buildings, walks and fences. Plans for public or semi-public swimming pools shall accurately show drainage and water disposal systems and all appurtenances pertaining to the swimming pool. Detail plans of structures,

vertical elevations and sections through public or semi-public pools, showing depth, shall be included.

(b) Locations. Private swimming pools shall not encroach on any front or side yard required by this code, or by the zoning code. A wall of a swimming pool shall not be located less than six (6) feet from any rear or side property line or ten (10) feet from any street property line.

Section 6104. Structural Design.

The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.

(a) Wall Slopes. To a depth up to five (5) feet from the top, the wall slope shall not be more than two (2) feet horizontal in five (5) feet vertical.

(b) Floor Slopes. The slope of the floor on the shallow side of transition point shall not exceed one (1) foot vertical to seven (7) feet horizontal. The transition point between shallow and deep water shall not be more than five (5) feet deep.

(c) Walkways. All public or semi-public swimming pools shall have walkways not less than four (4) feet in width, extending entirely around the pool. Where curbs or sidewalks are used around any swimming pool they shall have a nonslip surface for a width of not less than one (1) foot at the edge of the pool and shall be so arranged as to prevent return of surface water to the pool.

(d) Steps and Ladders. One (1) or more means of egress shall be provided from the pool. Treads of steps or ladders shall have nonslip surfaces and handrails on both sides, except that handrails may be omitted when there are not more than four (4) steps or when they extend the full width of the side or end of the pool.

Section 6105. Appurtenant Structures.

All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures, including plumbing, heating and air conditioning, among others appurtenant to a swimming pool, shall comply with all applicable requirements of this code and the zoning code.

Section 6106. Accessories.

All swimming pools accessories shall be designed, constructed, and installed so as not to be a safety hazard. Installations or structures for diving purposes shall be properly anchored to ensure stability, and properly designed and located for maximum safety.

Section 6107. Equipment Installations.

Pumps, filters and other mechanical and electrical equipment for public and semi-public swimming pools shall be enclosed in such a manner as to be accessible only to authorized persons and not to bathers. Construction and drainage shall be such as to avoid the entrance and accumulation of water in the vicinity of electrical equipment.

Section 6108. Swimming Pool Safety Devices.

Every person owning land on which there is situated a swimming pool, which contains eighteen (18) inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

Appendix Chapters Adopted. The following are certain Chapters of the Appendix of the Uniform Building Code which are hereby adopted and made part of the Lansing Uniform Building Code:

Chapter 7, Covered Mall Buildings;
CHAPTER 35, SOUND TRANSMISSION CONTROL
Chapter 49, Patio Covers;
Chapter 55, Membrane Structures;
Chapter 57, Fallout Shelters;
Chapter 61, Swimming Pools.

Sec. 9-4. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article shall be declared invalid by the judgment or degree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this article.

By COUNCILMEMBER BLAIR—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Revising Section 31-177 for the purpose of eliminating Clippert St. between North Grand River and Saginaw Street from the list of one way streets and recommended that the ordinance be passed.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Section 31-177 for the purposes of eliminating Clippert Street between North Grand River and Saginaw St. from the list of one way streets be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Section 31-177 for the purpose of eliminating Clippert Street between North Grand River and Sag-

inaw St. from the list of one way streets be now passed.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt, Worthington.

Nays—Councilmember Blair.

ORDINANCE NO. 725

An Ordinance to amend Section 31-177 of the Code of Ordinances of the City of Lansing, Michigan for the purpose of eliminating Clippert Street between North Grand River and Saginaw Street from the list of one way streets.

The City of Lansing Ordains:

Section 1. That Section 31-177 of the Code of Ordinances of Lansing, Michigan be amended to read as follows:

Sec. 31-177 One-way streets and alleys, Schedule I.

In accordance with Section 31-22, and when properly sign posted, traffic shall move only in the direction indicated upon the following streets and alleys:

(a) Streets

~~Street—Clippert St., Direction—South, from Grand River to Saginaw.~~

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from passage, unless given immediate effect by the City Council.

By COUNCILMEMBER BELEN—

RESOLUTION #0367

Resolved by the City Council of the City of Lansing.

That the rules of the Council be waived for the purpose of presenting the following items.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE—

At a regular meeting of the City Council of the City of Lansing, Ingham and Eaton Counties, Michigan, held on the 18th day of August, 1986.

Present: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt, Worthington.

Absent: Councilmember Creamer.

The following resolution was offered by Councilmember Belen and seconded by Councilmember Adado.

Whereas, the City of Lansing intends to enter into a contract lease with the City of Lansing Building Authority with respect to the acquisition, construc-

tion, furnishing, equipping and financing of a parking garage, which may include space for retail commercial establishments, and facilities related to the parking garage, all to be located in the block bounded by Michigan, Washington and Capitol Avenues and Allegan Street in the City of Lansing, Michigan. Under the contract of lease, the parking garage and related facilities will be leased to the City; and

Whereas, it is necessary to publish a notice of such intention and to allow a 45-day period for the filing of a petition for referendum requesting an election on the contract of lease.

Therefore, Be It Resolved by the City Council of the City of Lansing, Ingham and Eaton Counties, Michigan, as follows:

1. The City Clerk is hereby authorized and directed to cause the following notice to be published and prominently displayed once in the Lansing State Journal:

CITY OF LANSING INGHAM AND EATON COUNTIES MICHIGAN

NOTICE OF INTENTION OF THE CITY OF LANSING TO ENTER INTO A FULL FAITH AND CREDIT GENERAL OBLIGATION CONTRACT OF LEASE WITH THE CITY OF LANSING BUILDING AUTHORITY AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON.

TO ALL ELECTORS AND TAXPAYERS
OF THE CITY OF LANSING:

Notice is hereby given, that the City Council of the City of Lansing, Ingham and Eaton Counties, Michigan, intends to authorize the execution of a full faith and credit general obligation contract of lease with the City of Lansing Building Authority. The contract of lease will provide, among other things, for the acquisition, construction, furnishing and equipping by the City of Lansing Building Authority of a parking garage, which may include space for retail commercial establishments, and facilities related to the parking garage, all to be located in the block bounded by Michigan, Washington and Capitol Avenues and Allegan Street in the City of Lansing, Michigan. The contract of lease will further provide that the City of Lansing Building Authority will finance the cost of the project by the issuance of building authority bonds pursuant to the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, in anticipation of the receipt of cash rental payments to be made by the City of Lansing to the City of Lansing Building Authority pursuant to the contract of lease. The maximum amount of bonds to be issued is not to exceed \$6,500,000.

FULL FAITH AND CREDIT AND LIMITED TAXING POWER OF THE CITY OF LANSING PLEDGED

Notice is further given, that in the contract of lease the City of Lansing will obligate itself to make cash rental payments to the City of Lansing Building Authority in amounts sufficient to pay the principal of and interest on the bonds to be issued by the City of Lansing Building Authority and that the full faith and credit of the City of Lansing will be pledged for the making of the cash rental payments as a limited tax first budget obligation. Pursuant to the pledge of its

full faith and credit, the City of Lansing will be required in each fiscal year to include in its general fund budget and to appropriate such amounts as shall be necessary to make such cash rental payments. In no event may the City of Lansing levy an ad valorem tax for the purpose of paying for the project in an amount in excess of the rate permitted by law. In addition to its obligation to make cash rental payments, the City of Lansing will agree, in the contract of lease, to pay all costs and expenses of the City of Lansing Building Authority incidental to the issuance and payment of the bonds to the extent such expenses are not payable from the proceeds of the bonds and to pay the expenses of operating and maintaining the parking garage and related parking facilities.

RIGHT TO PETITION FOR REFERENDUM

Notice is further given, that this notice is given to and for the benefit of the electors and taxpayers of the City of Lansing, in order to inform them that the City Council intends to authorize the execution of the above described contract and also to inform them of their right to petition for a referendum upon the question of entering into such a contract of lease. The City of Lansing intends to enter into the contract of lease without a vote of the electors thereon, but the contract of lease shall not become effective until 45 days after publication of this notice. If, within the 45-day period, a petition for referendum requesting an election on the contract of lease, signed by not less than 10% or 15,000 of the registered electors of the City of Lansing, whichever is less, has been filed with the City Clerk, the contract of lease shall not become effective unless approved by a majority of the electors of the City of Lansing voting thereon at a general or special election. This notice is given by order of the City Council pursuant to Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Further information may be secured at the office of the undersigned City Clerk.

RITA M. BAUMAN,
City Clerk.

Dated: August 18, 1986.

2. It is hereby found and determined that the Lansing State Journal is the newspaper reaching the largest number of electors and taxpayers of the City of Lansing.

3. It is hereby determined that the aforesaid notice provides information adequate to inform the electors and taxpayers of the City of Lansing of the nature of the contractual obligations to be assumed by the City of Lansing and of their right to file a petition for referendum requesting an election on the contract of lease.

Upon the request of Councilmember Blair—Councilmember Adado made a motion that Councilmember Blair be excused from voting on this issue.

Carried.

Yeas—Councilman Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—6.

Nays—None.

Abstentions—Councilmember Blair and Creamer—2.

Resolution declared adopted.

STATE OF MICHIGAN)
COUNTY OF INGHAM) SS.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 18th day of August, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

Adopted by the following vote:

Unanimously.

August 15, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and Councilmembers:

I hereby recommend that a sale of the property described as Priggoris Park located in Bath Township, be placed on the November 1986 ballot.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee on Public Safety and Property.

DATE: 8-15-86

TO: Council President Benavides and Council Members

FROM: Mayor Terry J. McKane

SUBJECT: Proposed Bond Issue for Street and Sidewalk Improvements

My proposed budget for fiscal year 1986-87 included a recommendation to develop a bonding package for street improvements to include the second phase of Edgewood Blvd. The Public Service Department has recently completed a report for 'Street and Sidewalk Infra Structure Rehabilitation for the City of Lansing', which was submitted by the Board of Public Service for your general review on August 4, 1986. The report identified street and sidewalk projects totaling \$23,627,227 covering a 3 year work program beginning in the 1987 construction season and \$3,106,400 of new funds for annual maintenance requirements beginning thereafter. This included \$4,000,244 for major street resurfacing, and curb & gutter replacement, \$3,613,983 for local street resurfacing and curb and gutter replacement, \$14,333,000 for major street new construction projects and \$1,680,000 for the City share of sidewalk replacement.

The Board of Public Service has made a recommendation to develop a ballot proposal to levy 1.5 mills for the annual maintenance of streets and sidewalks and to levy 2.0 mills for bond issue debt service for the construction and resurfacing projects.

After my extensive review of these recommenda-

tions with the Finance and Public Service Directors and giving consideration to the potential for future additional resources in the form of federal aid and/or increase in the weight and gas tax program, I am prepared to recommend to you a proposal that would address many of our street and sidewalk improvement needs over the next 5 years. I recommend a ballot proposal for a 22 million dollar bond issue requiring an estimated 1½ mills of additional debt service. The bond proceeds plus interest earned would be applied to the following projects: \$4,000,000 to major street resurfacing and curb & gutter replacement, \$3,700,000 to local street resurfacing and curb and gutter replacement, \$1,400,000 for sidewalk replacement and \$13,150,000 to major street construction projects.

Major Road Construction:

Edgewood Blvd. from Washington to Logan—Construct new road \$2,300,000.00.

Pennsylvania from Grand River to I496—Remove median and reconstruct 1,500,000.00

Jolly Road from Pennsylvania to Collins Rd.—Widen to five lanes 1,875,000.00

Aurelius Road from Jolly Rd. to Willoughby Road—Widen to three lanes 1,133,000.00

Collins Road from Forest Road to Jolly Road—Widen to four lanes 1,500,000.00

Forest Road from Collins Road to Aurelius Rd.—Widen to three lanes 750,000.00

Miller Road from Pennsylvania to Aurelius Rd.—Widen to three lanes 375,000.00

North Lansing Industrial from US 27 to Lake Lansing Road—Construct new road 1,000,000.00

East Main St. from Pennsylvania to Aurelius—curb and resurface 1,427,000.00

Pere Marquette from Michigan to Shiawassee—Construct Service Rd 200,000.00

Cedar St. from Mt. Hope to Cloverland—Widen to five lanes 50,000.00

Pennsylvania Ave. Underpass from GTWRR—Lower roadway 190,000.00

Logan St. from Saginaw to Oakland—construct turn lanes 500,000.00

Museum Dr. from Larch to Cedar—Construct three lanes road 350,000.00

TOTAL—\$13,150,000.00

Summary:

Resurfacing & Curb & Gutter:

Major Streets—\$4,000,000.00

Local Streets—3,700,000.00

Sidewalk Replacement—1,400,000.00

Major St. Construction Projects—13,150,000.00

\$22,250,000.00

Referred to the Committee on Ways and Means.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That Councilmember Creamer be excused from the session.

Carried.

REMARKS BY THE MAYOR

The Mayor remarked on the following street closings:

Sunset Avenue—Detour

Michigan Avenue—Capitol to bridge***

Holmes—Michigan to Eureka

Eureka—Holmes to Rosamund

Michigan Ave—Jones to Ferguson***

Grand Ave—At Washtenaw

Pacific—At Alpha

Bergman—At Holmes

Main Street—At Logan

Holmes—Cedar to Stabler

Stabler—Holmes to Dodge

Jolly—Cedar to Pennsylvania***

Hazel—Cedar to Pennsylvania***

Michigan Ave—Holmes to Ferguson***

Washington Bridge—Over the Grand River

Cheerleaders contest to be held at the Civic Center starting Tuesday—August 21 through Sunday, August 24, 1986.

Grand Opening ceremony that was held at 10:00 a.m. on Monday, August 18, 1986 in connection with the North Grand Parking Ramp.

REMARKS BY THE CITY COUNCIL

Councilmember Schmidt remarked and asked the help from the Mayor in regard to a decomposed animal that the County will not pick up.

Councilmember Adado remarked in regard to drug and crime rate in different cities and asked the Mayor to meet with the Chief of Police to see what can be done to get a start before it gets too much in Lansing.

REMARKS BY PERSONS IN THE AUDIENCE

Mayor Haney spoke relative: Crime report that was filed and the help that the building department gave her and thanked them.

Asked the Mayor to commend the Police Office within the Dispatch area for quick action taken in regard to call made on a abduction that almost took place.

Traffic Light in North Lansing by her restaurant and commended the Traffic Board.

Asked for an update on the Traffic Parking Ordinance.

Gilbert Haley—part owner of the Country Store thanked the Council for the action taken on the traffic problem on Clippert St.

Eleanor C. Morris, 1526 Ballard St. spoke in regard to her claim for sewer backup and asked for action to be taken on it.

The following persons spoke in regard to pit bulls:

Jim Turner—1418 Pontiac St.

Mary Sanford, 1217 Vermont St.

Dee Bar—no address given.

Resident of 3110 West Michigan Ave.

Mark Torres, 3012 Andrew St.

Kim Phillips, 1407 Pontiac.

Phillip Thurston—Mail carrier

Resident of 410 Saginaw St.
James Parrish, 929 Cleo St.
Resident of 403 E. Grand River Ave.
Susan Green, 3606 Division St.
Doug Field—no address given
Gary Langdon, 235 Horton Ave.
Rany Howack, 2917 Westlawn Ave.
Julie Woods—No address given.

Councilmember Benavides asked Richard Lilly Ingham County Commissioner to speak in regard to this matter since this is a County Matter.

Commissioner Lilly made remarks and said there is a County Wide Ordinance being prepared in regard to care of animals by their owners.

Larry Lopez, thanked the council for their action taken in regard to the festival.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:20 p.m.

RITA M. BAUMAN,
City Clerk.

August 18, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, August 25, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

August 25, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, Worthing-

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt

Pledge of Allegiance.

Council Proceedings of July 21 and 28, 1986 approved and carried.

PUBLIC HEARING

August 25, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance to amend subsection (D) of Section 4-10 of Chapter 4 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance amendment they will have the privilege of speaking at this time.

Speakers in support of the amendment were:

Gary Bilow, 4717 Lyncott

Barry Crown, Park Board Member

Bank of Lansing League submitted letters in support of amendment.

Olds League

Jim Donahue, 1613 J Spartan Village

Lester Hansens, 3135 N. Grand River Avenue, questioned city getting into beer selling business.

Referred to the Committee on General Services.

By COUNCILMEMBERS ADADO and CREAMER—

Resolved by the City Council of the City of Lansing

that the rules of Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Mike Motz spoke of the Riverfest '86 festivities to be held on August 29, 30, 31 and Sept. 1, 1986 at Riverfront Park.

The following Resolution was presented at this time, to Charlie Curtis and Matt Evans, Managers of C & M Softball Club.

Councilmembers Blair and Worthington left the meeting.

Resolution #0368

By COMMITTEE OF THE WHOLE—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing's Recreational Softball Leagues provide an excellent opportunity for area residents to enjoy the competition, team spirit and pure fun of organized softball; and

Whereas, the Century 21 Hubbell C & M Softball Club is a four-year-old team in the City's Co-Ed League that has established an impressive record of 132 wins and 17 losses in the past four seasons; and

Whereas, Managers/Coaches Charlie Curtis and Matt Evans have led their team to two consecutive State Tournament Championships, and are now preparing to visit Austin, Texas, over the Labor Day Weekend to play as Michigan's representative in the Co-Ed National Tournament;

Now, Therefore, Be It Resolved the Lansing City Council, sitting in regular session this 25th day of August, 1986, hereby offers heartiest congratulations to the Century 21 Hubbell C & M Softball Club for winning its second consecutive State Tournament Championship; and

Be It Further Resolved the City Council wishes best of luck to the team in its effort to bring the National Tournament trophy to Lansing.

Adopted by the following vote:

Unanimously.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING

ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Chris Pogoncheff, 732 Clark St., spoke in support of a horse patrol in Lansing Parks.

Mary Haney spoke in support of a horse patrol.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers—Anetta J. Morgan, Garry C. Sway, Jr., Charles P. Slocum, Satcher Lee Jordan.

Referred to the Committee on General Services.

Summons and Complaint filed in Circuit Court by Gregory A. Hinkel vs. City of Lansing, The Lansing City Council, The Building Safety Division of the City of Lansing in regard to demolition of property located at 1701 S. Washington Avenue.

Referred to the City Attorney

Summons and Complaint filed in Circuit Court by the Citizens Committee composed of neighboring property owners, Michigan United Conservation Clubs, Individual property owner and member of Committee vs City of Lansing a Municipal Corporation, Art Boldt, David McCardel, Mary McCardel and John Doe, a Michigan limited partnership in regard to rezoning of property at 1903 Wood St. and 1804 David St. from "A" Residential District to a "DM-1" District.

Referred to the City Attorney

The following claims have been filed:

- a. Shannon Clay, 800 Eureka St. in regard to automobile that was towed away and ask for reimbursement of towing fee.
- b. Minesh Mody for damage to car due to bad road construction work.
- c. Todd Lamb for damage to his bike due to hitting a protruding manhole cover.
- d. Lorna J. Gum, 5218 Sunrose St. in regard to towing fee for automobile that was picked up by Police Dept.

Referred to the City Attorney.

Petitions filed from resident on Pontiac Street in regard to pit bulls and ask that an ordinance be introduced dealing with this.

Referred to the City Attorney and Committee on General Services.

Letter from Thomas R. Finley representing the Boys and Girls Club of Lansing in regard to block grant funding and request help for building need.

Referred to the Mayor and Committee on Ways and Means.

Petitions filed in regard to condition of house located at 118 Lathrop St. and ask for either repair of same or the demolition.

Referred to the Mayor and Committee on General Services.

Request from Gerald and Georgia Huckaba asking that names be withdrawn from petition in regard to sanitary sewer on Waverly Road.

Referred to the Mayor and Committee on Physical Development.

Request from Wayne F. Zittel asking that their name be withdrawn from the petition in regard to sanitary sewer on Walker St.

Referred to the Mayor and Committee on Physical Development.

Letter from Ronald L. Enger of Engineers & Consultants, Inc. asking for final approval of Trappers Cove Subd. No. 4 plat.

Referred to the Mayor, Planning Board, and Committee on Physical Development.

Letter from Bob Palmateer in regard to drug and prostitution situation within the City of Lansing.

Referred to the Mayor.

MAYOR'S EXECUTIVE ASSISTANT COMMENTS ON AGENDA ITEMS:

Mayor's letters 3k (Civic Center Employee Layoffs), 3m (Update of Neighborhood Clean-up projects), 3n (Building Safety Division Inspection Statistics), 3o (Street Closures for Pedway Construction) and 3r (Embassy Suites proposal).

Councilmember Creamer left the meeting.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—Anetta J. Morgan, Garry C. Sway Jr., Charles P. Slocum, Satcher Lee Jordan.

Signed:

SIDNEY P. WORTHINGTON
LOUIS ADADO
PATRICK LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Councilmember Creamer returned to the meeting.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's recommendation to drop the Mounted Patrol Program from the Parks Security Division,

Reports As Follows: The Committee has concluded that the Mounted Patrol policy should continue, and the program should be put into effect as soon as adequate training for horses and officers can be completed. The Committee recognizes that additional security beyond the Mounted Patrol is necessary for the Parks system due to personnel limitations. The Mayor is requested to develop recommendations and a timetable to enhance and improve the security and safety of the law-abiding users of Lansing Parks and public facilities in the downtown environs.

Signed:

JAMES BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR—

That the report of the committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

August 14, 1986

President Benavides and
Members of City Council

RE: Claim of Terry Prickett for \$393.45

Dear President Benavides and
Members of Lansing City Council:

On May 19, 1986, Terry Prickett, 23542 Hayes, Taylor, Michigan, filed a claim for damages to his van while driving out of the South Capitol Parking Ramp. He states in his claim letter that the guard rail was hanging down and that the ramp attendant signed the parking ticket and wrote what happened on the date of the incident May 14, 1986.

This case was investigated by the Transportation Engineer who reported that the guard rail was not hanging lower and, in fact, is still attached to the post and is protected by a large yellow bumper post. The Transportation Engineer also reported that the attendant does not recall the accident or discussing it with the claimant. (The copy of the parking ticket submitted by the claimant also does not indicate what happened.) It is the conclusion of the Transportation Engineer that claimant made poor driving judgment while exiting the surface lot at 300 Townsend, directly behind the South Capitol Ramp by unsuccessfully attempting a very tight right turn around the guard rail and bumper post into the exit lane from a drive lane in the lot. Otherwise, there would have been more than adequate space for claimant's van to exit safely.

Therefore, the Transportation Engineer recommends and this office concurs that this claim should be denied since not negligence by the City was involved.

Very truly yours,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

August 14, 1986

President Benavides and
Member of City Council

RE: Claim of Kim A. Kranich in the amount of \$130.00

Dear President Benavides and
Members of Lansing City Council

On May 1, 1986, Kim A. Kranich submitted a special assessment trash clean-up claim in the amount of \$130.00 administrative fees and \$44.00 for the actual trash removal for a total of \$174.00. Claimant indicates that he is the second land contract holder and did not receive notice of the trash violation. In addition, Claimant states that he cleaned up his property at 409 N. Sycamore and the adjoining neighbor's lot several week before the trash was removed by the City contractor. Claimant left behind neatly stacked piles of trash, leaves and debris that he could not haul away at that time.

City investigation of the claim indicates that notice of violation was mailed to the taxpayer of record and not the claimant. That notice was mailed April 17, 1986, several weeks prior to the actual trash pick-up date of May 2, 1986. Investigation also indicates that the notice, as mailed, may have been defective from a strictly legal sense.

For that reason, it is the recommendation of this office that the routine administrative fee of \$130.00 be waived and be removed from the tax rolls against 409 N. Sycamore and that the claimant should be billed the \$44.00 clean-up fee by the Building Department and pay the same to the City Treasurer. Claimant understands the above settlement recommendation and concurs.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the \$130.00 administrative fee be removed from the tax rolls and the claimant is to pay \$44.00 clean-up fee to the City Treasurer.

Carried.

DATE: 8/19/86

TO: Rita Bauman, City Clerk

FROM: Police Chief Richard A. Gleason

SUBJECT: Public Driver Application—Kenneth Robert Perry.

We are returning herewith the above-referenced application unsigned as we do not approve this person

having a public drivers license under Article III, Sec. 33-28 (c)

Referred the the Committee on General Services.

DATE: 8/21/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: P-6-84, Lancen Village South -4 Final
Plat

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonable possible.

Referred to the Committee on Physical Development

DATE: 08/18/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Public Hearing—
306 E. Lenawee/1017 W. Hillsdale

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the mayor and the public hearing for these properties be set for September 15, 1986.

Carried.

DATE: 8/20/86

TO: Council President Tony Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Ellendale St. and Claremore Drive:
Stop/Yield Request

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Properties and Safety.

DATE: 8/20/86

TO: Council President Tony Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Cumberland Road and Westbury Road:
Yield Sign Request

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it

and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Properties and Safety.

DATE: 8/20/86

TO: Council President Tony Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Hazel Street: Removal of Parking

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Properties and Safety.

DATE: 8/20/86

TO: Council President Tony Benavides and
City Councilmembers

SUBJECT: Pedestrian Safety Study on North
Grand River Avenue

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Properties and Safety.

DATE: 8/20/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Annapolis Drive and Claremore Drive:
Stop/Yield Sign Request

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Properties and Safety.

DATE: 8/19/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31 (\$1,504.75)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the

Mayor and said assessments be placed on said assessment roll

Carried.

DATE: 8/19/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29 (\$5,242.55)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said assessments be placed on said assessment roll.

Carried.

DATE: 8/21/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update

The attached correspondence is submitted for your information.

Received and placed on file.

August 20, 1986

Council President Tony Benavides and City Councilmembers

RE: Convention/Exhibition Hall Authority

Dear President Benavides and Councilmembers:

In accordance with the objective of the City divesting itself of the responsibility for the operation, maintenance and control of the Civic Center, I have directed our Labor Relations Director, Douglas DeFraim, to notify the appropriate union representatives of our intent to issue layoff notices to the Civic Center employees.

The Labor Relations and Personnel staff will assist the impacted employees in exercising their contractual bumping rights to pursue other employment opportunities within City government.

Sincerely,

Terry J. McKane
Mayor

Received and placed on file.

DATE: 8/19/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Report from Lansing Housing Commission

RE: Effectiveness, current status and priorities for services to Lansing community.

The attached material is submitted for your information.

Referred to the Committee on General Services.

August 20, 1986

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Update of Neighborhood Clean-up Projects

As you will recall, staff and I have been working in a concentrated, coordinated fashion to assist several Lansing neighborhoods. These are neighborhoods that have numerous problems. They also are areas where neighbors have volunteered to work closely with us.

The targeted neighborhoods and times of our assistance:

Neighborhood: Baker St. Area

Area of Clean-Up:

John Bean Building (North)
Pennsylvania Ave. (East)
Mt. Hope Ave. (South)
Cedar St. (West)

Time of Clean-Up: July 15-August 30, 1985

Neighborhood: Butler St. Area

Area of Clean-Up:

Saginaw St. (North)
Pine St. (East)
Shiawassee St. (South)
Logan St. (West)

Time of Clean-Up: Oct. 21 - Nov. 29, 1985

Neighborhood: Shiawassee St. Area

Area to Clean-Up:

Saginaw St. (North)
Pennsylvania (East)
Michigan Ave. (South)
Larch St. (West)

Time of Clean-Up: July 7 - August 15, 1986

Neighborhood: Beech St. Area

Area to Clean-Up:

Beech St. only

Time of Clean-Up: July 7 - August 15, 1986

CITY ACTIVITY IN TARGETED NEIGHBORHOODS:

Following is description of increased activities in each targeted neighborhood. The activities are classified by City department.

Police Department Activity: Police activity in the targeted neighborhoods includes—

Calls for service—573—
Arrests—130—
Parking Violations—439

NOTE: These arrests are significant. Most of them

may be attributed to our concentration in the targeted areas.

Fire Department Activity: The Fire Prevention Bureau attempted 646 fire inspections in the targeted neighborhoods. Below is a breakdown of the attempts.

Actual inspections — 87
Refusals — 117
Not Home — 380
Will call for appt. — 33
Vacant Houses — 29

Note: When staff do not make contact with residents, they leave a brochure that explains the fire safety program.

Building Safety Activities: Staff estimates that more than 400 housing code violations were addressed. They are following up on these to insure the houses are brought into compliance.

Other Staff: The City Attorney processed an estimated forty complaints regarding ordinance code violation and enforcement.

In addition, Human Relations staff made contact with and assisted numerous residents in the above neighborhoods.

Conclusion:

Together we have made neighborhood improvement our top City priority. The above program represents an important part of our effort to improve neighborhoods. I am pleased to inform you that it is working successfully in the above areas. As staff and resources allow, we will expand this effort to additional parts of the City.

Received and Placed on File.

DATE: 8/20/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Building Safety Division Inspection
Statistics

The attached correspondence is submitted for your information.

Referred to the Committee on General Services.

DATE: 8/20/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Street Closures for Pedway Construction

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 8/20/86

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

August 22, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and
Councilmembers:

I am pleased to present to you the attached information packet pertaining to the Embassy Suites Hotel and Conference Center proposal. We have tried to present to you complete information to help you make an informed decision. Members of my administration and Warren Barberg and Associates will be happy to meet with you to address any questions that you may have.

I'm sure that after you examine the information and facts that you will agree with me that this project is essential to Lansing becoming a successful convention city. I would appreciate your approval of the development agreements by September 8, 1986 so that this important development project can proceed.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee of the Whole.

Councilmember Lindemann left the meeting.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION -0369

That the request of C. J. Barrymore's of Lansing, Inc. for transfer of ownership of 1986 Class "C" license with dance permit at 6810 So. Cedar St. from Long Development, Inc. and request for new entertainment permit to be held in conjunction be approved. This will be for location only another inspection will be necessary after building has been occupied.

Adopted by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION -0370

Whereas, the Lansing City Council has established a Lansing Industrial Development District No. 10, 2727 Lyons Ave., more particularly described as:

Commencing 521 Ft. N. of S.E. corner S. Parkwood Subdivision, the E. 836.1 ft., N. 309.1 ft. to Wly. line of Consumers Power Co. R/W,

N.W. ly along said R/W 290.1 ft. to E. & W. ¼ line, W. on ¼ line 754 ft. to E. Line S. Parkwood Subdivision, S. 581.55 ft. to point of beginning; Section 27, T4N, R2W, City of Lansing.

Whereas, Olfsson Corporation has applied for an Industrial Facilities Exemption Certificate for construction of a new facility at 2727 Lyons Ave; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Olofsson's application for an Industrial Facilities Exemption Certificate.

Now, therefore, be it resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be it further resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Industrial Development District No. 10; and

Be it finally resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, September 15, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Approved by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE

RESOLUTION -0371

Whereas, the Lansing City Council has established a Lansing Industrial Development District No. 11 at 1407 Rensen Street, more particularly described as:

Lot 7, also commencing 54 ft. N. of S.E. corner lot 7, thence N. 191 ft., N. 89 deg. 47 min. E. 20 ft., S. 191 ft., S. 89 deg. 47 min. W. 20 ft. to point of beginning: Rensen Center, City of Lansing.

Whereas, Olofsson Corporation has applied for an Industrial Facilities Exemption Certificate for new construction at 1407 Rensen Street; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Olofsson's application for an Industrial Facilities Exemption Certificate.

Now, therefore, be it resolved that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make any objections they may have to the approval of the Certificate; and

Be it further resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Industrial Development District No. 11; and

Be it finally resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, September 15, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Approved by the following vote:

Unanimously.

Councilmember Lindemann returned to the meeting.

By COMMITTEE ON WAYS AND MEANS AND COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION -0372

Resolved by the City Council of the City of Lansing:

Whereas, a regular general election is to be held in the City of Lansing, Michigan on Tuesday, the 4th Day of November, 1986, and

Whereas, due to natural deterioration of the various streets and sidewalks throughout the City of Lansing and due to increases and changes in the patterns and amounts of vehicular traffic in the City of Lansing, it is hereby deemed necessary and desirable to make certain street and sidewalk improvements and repairs with the City of Lansing including the widening, extending, resurfacing, redesigning and repairing of existing streets; the replacing and repairing of existing sidewalks; the replacing of existing curbs and gutters, the laying out and construction of new curbs, gutters and storm sewers, the design and construction of new streets and the acquisition of lands and rights of way therefor; and

Whereas, in order to finance and accomplish the various street and sidewalk repairs and improvements it is necessary for the City of Lansing to borrow money in the amount of \$22,000,000.00 and issue \$22,000,000.00 in general obligation bonds of the City of Lansing for the payment of the principal and interest of which the full faith and credit of the City of Lansing shall be pledged; and

Whereas, these monies are proposed by the City of Lansing to be expended in the following fashion:

1. Major Street Construction Projects:

a. For the construction of Edgewood Boulevard from Washington to Logan Street - \$2,300,000.

b. To remove the median and reconstruct Pennsylvania between Grand River and I-496 - \$1,500,000.

c. To widen Jolly Road to five lanes between Pennsylvania and Collins - \$1,875,000.

d. To widen Aurelius Road to three lanes between Jolly Road and Willoughby Road - \$1,133,000

e. To widen Collins Road to four lanes between Forest Road and Jolly Road - \$1,500,000.

f. To widen Forest Road to three lanes between Collins Road and Aurelius Road - \$750,000.

g. To widen Miller Road to three lanes between Pennsylvania and Aurelius Road - \$375,000.

h. To construct North Lansing Industrial Road from US-27 to Lake Lansing Road - \$1,000,000.

i. To reinforce and install curbs on Main Street between Pennsylvania and Aurelius Road - \$1,427,000.

j. To construct a service road on Pere Marquette Street between Michigan Avenue and East Shiawassee Street - \$200,000.

k. To widen South Cedar Street to five lanes between Mt. Hope Avenue and Cloverland \$50,000.

l. To lower Pennsylvania Avenue under the Grand Truck Western Railroad Overpass - \$190,000.

m. To construct turn lanes on Logan Street between Saginaw and Oakland - \$500,000.

n. To construct and expand Museum Drive to a three lane road between Larch and Cedar Streets - \$350,000.

2. Sidewalk Replacement - \$1,400,000.

3. Resurfacing and Curb and Gutter —

a. Major Streets - \$4,000,000.

b. Local Streets - \$3,700,000.

and

Whereas, it is proposed that 2% of the amount of bonds to be issued be used for improvements and repairs to streets, sidewalks and other walkways which benefit non-motorized vehicles, including the hiking-biking system along the Red Cedar River;

Now, therefore, be it resolved that the question of whether general obligation bonds of the City of Lansing shall be issued in the amount not to exceed Twenty Two Million Dollars (\$22,000,000.00) for the purpose of resurfacing, widening, extending, improving and repairing of existing streets and highways, the repairing and replacing of existing sidewalks, curbs and gutter, improvements and repairs to streets, sidewalks and other walkways which benefit non-motorized vehicles including the hiking-biking system along the Red Cedar River, and the constructing of new streets and highways within the City including necessary lands and rights of way, railroad grade separation, sidewalks, curb and gutter and drainage facilities therefor shall be submitted to the electorate of the City of Lansing for approval as required by the laws of the State of Michigan at the next general election to be held on November 4, 1986; and be it

Further resolved that said proposal be submitted to the electorate of the City of Lansing upon the voting devices in the manner and form that follows:

FORM OF BALLOT

SHALL THE CITY OF LANSING, LOCATED IN INGHAM AND EATON COUNTIES, MICHIGAN BORROW THE PRINCIPAL SUM OF NOT TO EXCEED TWENTY TWO MILLION DOLLARS (\$22,000,000.00) AND ISSUE ITS GENERAL OBLIGATION UNLIMITED TAX BONDS THEREFOR, FOR THE PURPOSE OF DEFRAYING THE CITY'S SHARE OF THE COST OF RESURFACING, WIDENING, EXTENDING, IMPROVING AND REPAIRING EXISTING STREETS AND HIGHWAYS, THE REPAIRING AND REPLACING OF EXISTING SIDEWALKS, CURBS AND GUTTERS, IMPROVEMENTS AND REPAIRS TO STREETS, SIDEWALKS AND OTHER WALKWAYS WHICH BENEFIT NON-MOTORIZED VEHICLES AND FOR THE CONSTRUCTION OF NEW STREETS

AND HIGHWAYS WITHIN THE CITY OF LANSING, INCLUDING NECESSARY LANDS AND RIGHTS OF WAY, RAILROAD GRADE SEPARATIONS, SIDEWALKS, CURB AND GUTTER AND DRAINAGE FACILITIES THEREFOR?

YES _____ NO _____

and be it

Further resolved that the City Clerk is directed to prepare sufficient ballots to supply the demand for absent voters ballots as set forth above; and be it

Further resolved that this resolution containing the above proposal be posted in a conspicuous place in each polling place in the City of Lansing; and be it

Further resolved that the votes cast upon such question shall be counted, canvassed, and returned and the results thereof determined in a like manner, and by the same officials as prescribed for in the general election; and be it

Further resolved that the City Clerk certify the ballot wording to the County Clerk in conformance with the requirements of State law; and

Be it finally resolved that the City Clerk give ten (10) days notice of the submission of said proposal to the electors, such notice to conform to the requirements of the City Charter and State law relative to elections, and further that the City Clerk cause a true copy of this resolution to be published and circulated twice in a daily newspaper in the City of Lansing, and that said first publication be at least ten (10) days prior to the date upon which said proposal is to be voted upon as herein provided.

Adopted by the following vote:

Yeas: Councilmembers Belen, Blair, Creamer, Lindemann, Schmidt, Worthington. (6)

Nays: Councilmembers Adado, Benavides. (2)

By PUBLIC SAFETY & PROPERTIES COMMITTEE—

RESOLUTION -0373

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is the owner and has marketable title to real property known as Priggooris Park located in Bath Township, Clinton County, Michigan, being more particularly described as:

The East ½ of the SE ¼ of Sec. 20, T5N, R1W, Bath Township, Clinton County, Michigan; and

The East ½ of the SW ¼ of Sec. 21, T5N, R1W, Bath Township, except a parcel of land 300 feet east and west by 400 feet north and south out of the northeast corner thereof, Bath Township, Clinton County, Michigan, and

The West ½ of the SW fractional ¼ of Sec. 21, T5N, R1W, Bath Township, Clinton County, Michigan; and

A parcel of land in Bath Township, Clinton County, Michigan, described as beginning at a point 2.25 chains West of the East 1/8 post bet-

ween Sections 21 and 28, T5N, R1W, thence North 22½° East 2.43 chains, North 1° East 3.23 chains, North 3° West 1.49 chains, North 81° West 1.21 chains, North 24° West 1 chain, North 2° West 3.78 chains, North 30° West, 1.31 chains, North 60° West 2.20 chains, North 68½° West 2.34 chains, North 55° West 1.08 chains, North 33° West .86 chains, North 15° West 1.09 chains, North 44° West 1.75 chains, North 68° West .94 chains, South 33° West 1.25 chains, South 16½° West 2.02 chains, South 10° West 4.06 chains, South 61½° West 2.83 chains, North 15° West 3.25 chains, South 82½° West 3.23 chains, South 13.15 chains, East 17.75 chains to the point of beginning.

Whereas, Priggooris Park is undeveloped and no funds are available to develop the park; and

Whereas, the Planning Board and Park Board have reviewed this matter and recommend that a sale of the property described above would be in the best interest of the City of Lansing; and

Whereas, the 1978 City Charter requires that the sale of any park land be approved by the voters of the City of Lansing;

Now, therefore, be it resolved that the proposal to sell said land be submitted to the electors of the City of Lansing for approval as required pursuant to the 1978 City Charter and as required by the laws of the State of Michigan at the next general election to be held November 4, 1986; and be it

Further Resolved, that said proposal be submitted to the electors of the said City upon the voting devices in manner and form as follows:

FORM OF BALLOT

SHALL THE CITY OF LANSING BE AUTHORIZED TO DISPOSE OF UNDEVELOPED LAND COMMONLY KNOWN AS PRIGGOORIS PARK LOCATED IN BATH TOWNSHIP, CLINTON COUNTY, MICHIGAN AND WHICH IS LEGALLY DESCRIBED AS:

The east ½ of the SE¼ of Sec. 20, T5N, R1W, Bath Township, Clinton County, Michigan; and

The East ½ of the SW¼ of Sec. 21, T5N, R1W, Bath Township, except a parcel of land 300 feet east and west by 400 feet north and south out of the northeast corner thereof, Bath Township, Clinton County, Michigan; and

The West ½ of the SW fractional ¼ of Sec. 21, T5N, R1W, Bath Township, Clinton County, Michigan; and

A parcel of land in Bath Township, Clinton County, Michigan, described as beginning at a point 2.25 chains West of the East 1/8 post between Sections 21 and 28, T5N, R1W, thence North 22½° East 2.43 chains, North 1° East 3.23 chains, North 3° West 1.49 chains, North 81° West 1.21 chains, North 24° West 1 chain, North 2° West 3.78 chains, North 30° West 1.31 chains, North 60° West 2.20 chains, North 68½° West 2.34 chains, North 55° West 1.08 chains, North 33° West .86 chains, North 15° West 1.09 chains, North 44° West 1.75 chains, North 68° West .94 chains, South 33° West 1.25 chains, South 16½° West 2.02 chains, South 10° West 4.06 chains,

South 61½° West 2.83 chains, North 15° West 3.25 chains, South 13.15 chains, East 17.75 chains to point of beginning.

IN RETURN FOR A BENEFIT TO BE REALIZED OF NOT LESS THAN THE FAIR MARKET VALUE OF THE PROPERTY?

YES () NO ()

and be it

Further resolved, that the City Clerk be and is hereby directed to prepare sufficient ballots to supply the demand for absent voters ballots, as above set forth; and be it

Further resolved, that this resolution containing the above proposal, together with the full legal description of said property, be posted in a conspicuous place in each polling place in the City of Lansing; and be it

Further resolved, that the voters cast upon such question shall be counted, canvassed and returned, and the results thereof determined in like manner, and by the same officials as prescribed for in the general election, and be it

Further resolved, that the City Clerk certify the ballot wording to the County Clerk in conformance with the requirements of state law; and be it

Further resolved, that the City Clerk give ten (10) days notice of the submission of said proposal to the electors, such notice to conform to the provisions of the City Charter and state law relative to general elections, and further that she cause a true copy of this resolution to be published and circulated twice in a newspaper of general circulation in the City of Lansing and that such publication be at least ten (10) days prior to the date upon which said proposal is to be voted upon as herein provided.

Finally resolved, that in the event this proposed sale of park land is approved by the voters of the City of Lansing, then, upon closing, the fair market value generated by this sale of park land shall be credited to account 101-936-416-974, the restricted Park Acquisition and Development Account.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—AND THE COMMITTEE ON WAYS AND MEANS

RESOLUTION #0374

Resolved by the City Council of the City of Lansing:

Whereas, two committees of City Council have studied the concept of changing City of Lansing golf operations from a General Fund budget item to an enterprise account so that program revenues may be restricted to operations expenses and golf facility improvements; and

Whereas, the enterprise account will permit progress to be made on the Council's goal of improving Groesbeck into a first class golf course;

Now, therefore, be it resolved the Lansing City Council hereby authorizes the Mayor to establish an

enterprise account for City of Lansing Golf Operation, with use of program revenues restricted to operational expenses and golf facility improvements.

Approved by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0375

Resolved by the City Council of the City of Lansing:

Whereas, on January 26, 1981, the City Council approved a continuing work program to retain horse-mounted security officers for the Potter Park Complex, after a successful trial period during which Potter Park was changed from a problem-plagued youth "hang-out" to a safe and peaceful, family-oriented environment; and

Whereas, City Council support for the horse-mounted park patrol program has never wavered, and in subsequent years purchases of additional horses and related equipment have been funded either in prompt response to requests from the Administration or the Council's desire to expand the horse-mounted patrol program; and

Whereas, the Administration utilized temporary seasonal employees for horse-mounted patrol duties during the summer of 1985 but experienced a variety of problems including delayed hiring of contract employees, inadequate training of horses and riders, and a late start of the program that missed the first several weeks of the warm-weather season; and

Whereas, the Mayor's Recommended FY 86-87 Budget addressed these problems by stating, "Funding for part-time officers on horse patrol has not been included. Mounted Patrol activities will instead be staffed by full-time Parks police officers, who shall be fully trained in Mounted Patrol, and assigned to this activity year-round."; and

Whereas, the Committee on Public Safety and Properties requested a status report on the Mounted Patrol program because there has been no horse-mounted patrol activity in City parks thus far in 1986; and

Whereas, the Mayor has responded to the Committee by recommending that the Council drop the horse patrol immediately because putting a law enforcement officer on a horse to patrol heavily-used public areas "... reduces our ability to provide effective police protection."; and

Whereas, the City Council has been provided comments from police and other officials in other cities that characterize horse-mounted officers as the most effective police protection possible in crowd control, parks security and downtown patrol situations;

Now, therefore, be it resolved the Lansing City Council hereby re-affirms its support of a horse-mounted patrol program in Lansing; and

Be it further resolved the Mayor and appropriate elements of the Administration are hereby requested to carry out the Council's policies, as required by the City Charter; and

Be it finally resolved the City Council supports use of horse-mounted patrol officers in a wide variety of high-visibility assignments including but not limited to: all special events with large public gatherings, Potter Park patrol, Riverfront Park patrol with coverage of the Riverwalk, Downtown Mall and environs patrol with emphasis on surface and garage parking areas, other park patrol as needed, neighborhood patrol with emphasis on police-community relations, and State Capitol Complex patrol.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0376

Resolved by the City Council of the City of Lansing:

Be it Resolved that the Municipal Trunkline Maintenance Contract between the Michigan Department of Transportation and the City of Lansing, Michigan for the period October 1, 1986 to September 30, 1989, is hereby accepted and Howard G. McCaffery is designated as Maintenance Superintendent on sections of State Trunkline Highways as shown on the Municipal Route Section Map and Budget Sheets.

The following City official, Terry J. McKane, Mayor, is authorized to sign and said maintenance contract.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0377

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

That the following accounts shall have the remaining balance at year end FY 85-86 carried forward in the same amounts unless otherwise specified:

City Council—101-101-000-977; Equipment; Balance.

Administrative Services—101-221-000-801; D. P. Professional Services; \$22,000.

Parks and Recreation—101-692-000-801; Professional Services; \$4,900.

City Supported Agencies—101-934-086-969; Exhibition Hall Operation; Balance.

Civic Center—593-539-000-931; Project Maintenance Carry forward into: 593-539-000-930; Repair and Maintenance; \$11,000.

Recommended by: Janet Lazar, Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

James W. Dowsett
Finance Director

Approved:

PATRICK LINDEMANN
SIDNEY P. WORTHINGTON
JAMES BLAIR
Committee on Ways and Means.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0378

Resolved by the City Council of the City of Lansing:

That the following transfer be approved:

\$370.00 from Treasurer Postage

A/C 101-253-000-730

\$370.00 to Treasurer Equipment

A/C 101-253-000-977

(Purchase of new time stamp recorder. Existing machine not cost effective to repair. Originally purchased in 1968.)

Recommended by:

JANET LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PATRICK LINDEMANN
SIDNEY P. WORTHINGTON
JAMES BLAIR
Committee on Ways and Means.

Adopted by the following Vote:

Unanimously.

Mayor McKane introduced seventeen (17) members of the Shiga Prefectural Association of Towns and Villages, visiting here from Shiga, Japan. Shiga is the sister state of Lansing and Otsu City is the sister city. Greetings and gifts were exchanged.

Members introduced were:

Shinji Yamada, Nobuaki Takada, Masaru Uno, Toyosaburo Yamada, Ayao Hattori, Buichi Miyawaki, Kozo Ichii, Hiroichi Yamamoto, Akinobu Terada, Chugyo Oto, Nobuo Nakano, Yoshiaki Takaoka, Hironobu Ikeguchi, Seiichi Kokubo, Mitsugu Ando, Shozo Tani, Hiroshi Izawa and Ms. Antee their interpreter.

By COUNCILMEMBERS ADADO, SCHMIDT,
WORTHINGTON AND CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following:

Letter from Beeman's Market, 1135 N. Washington Ave., requesting removal of three parking meters in front of their store.

Referred to the Committee on Public Safety and Properties

Michigan Hispanic Scholarship Fund, Inc. submits request for recognition as a non-profit scholarship fund organization in the City of Lansing.

Referred to the Committee on General Services

George F. Eyde, the Eyde Company, submits letter requesting City Council support for Representative Jacobetti's position of expanding police of state to include area besides downtown for consideration of state office buildings.

Referred to the Committee on Public Safety and Properties

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0379

Resolved by the City Council of the City of Lansing:

That the request by the Block 100 Limited Partnership (a Minnesota Limited Partnership) for a new resort B Hotel License with Dance and Entertainment Permit, to be located at 111 North Grand Avenue, Lansing, is hereby recommended for approval above all others.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE:

RESOLUTION #0380

Resolved by the City Council of the City of Lansing that the City Council meeting of Monday, September 1, 1986 be changed to meet on Tuesday, September 2, 1986 due to the observance of Labor Day on Monday, September 1, 1986.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER BLAIR—

I move that we reconsider the vote of the meeting on Monday, August 18, 1986 for the Ordinance changing Clippert Street traffic from one-way to two-way between Grand River Avenue and Saginaw St. due to receiving a recommendation from the State Department of Transportation. The motion failed by the following vote:

Yeas: Councilmember Blair and Lindemann (2)

Nays: Councilmembers Adado, Belen, Benavides, Creamer, Schmidt and Worthington (6)

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT—

Mr. Boyd announced the detours and street closings in the City for the coming week.

REMARKS BY THE CITY COUNCIL

Councilmember Belen remarked that the United Methodist Church is working with the street people of Lansing and that should help alleviate some of the problems for the city.

Councilmember Lindemann asked the City Clerk to read the Mayor's letter to Councilmembers regarding the implementation of the horse patrol for the parks and remarks made in committee meetings, and to read his letter in reply. (Both letters printed herewith).

August 25, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Councilmembers:

On February 20, 1986 you wrote me a letter which you asked me to post for all employees. The letter asked for "attitude adjustment," "new ideas," and "open communication." I was pleased to share your letter with all City Staff.

I appreciate your concern for better staff work. However, such imaginative work—when it does not fit into their preconceived notions—is sometime punished by some Councilmembers.

I believed such defamation of staff by elected officials has a very negative effect on our ability to provide excellent representative government.

I understand that staff insults occurred again at the August 21, meeting of your Public Safety and Properties Committee. I understand the issue at the time was the horse patrol.

1. A horse patrol will be very expensive and difficult to manage. It will detract from our ability to provide effective police protection in our parks.

2. However, the horse patrol will be an effective public relations tool. Children especially will enjoy seeing it in action.

3. The City is experiencing a rise in serious crime. People are concerned about this.

In summary, I believe our citizens desire effective protection against crime more than they desire expensive and hard-to-manage public relations.

Given your call of February 20 and given Public Safety and Properties Chairperson Blair's recent request for "strategic thinking" on this issue, I discussed it at great length with Police and Parks staff.

I then recommended to the committee that they defer the horse patrol. Instead, I suggested that funds be used in the most effective way possible to fight crime in our parks. I also asked staff to discuss the issue with members of the Public Safety and Properties Committee at their August 21 meeting.

However, at the start of the meeting another Councilmember (who is not a Committee member) rudely interrupted staff. He shouted—yes, shouted—obscenities at staff, referred to our "strategic thinking" as "garbage" (and worse), and generally comported himself in a very loud, intimidating, and arrogant manner.

This action completely stifled any open discussion

with staff regarding the important issue of improved crime protection in our parks. I believe such behavior by an elected official is totally unacceptable. The Councilmember's action was videotaped and shown on the evening news. My office has taken call from irate citizens demanding to know whether or not such language is "condoned by the City." I ask that you discuss it with the Councilmember and with all Councilmembers. I ask that they treat all City staff with the sort of dignity that will allow them to speak openly and without fear of public ridicule.

I believe this would do much to encourage open communication and new ideas. As you pointed out in your February 20 letter, this is important to a stronger City.

Incidentally, I appreciate Mr. Blair's behind-the-scenes work in attempting to find alternatives that would help us to mitigate the expense of implementing the horse patrol.

As always, I appreciate working with you and other Councilmembers to improve our community.

Sincerely,

TERRY J. MCKANE
Mayor

August 25, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and Colleagues:

I have reviewed Mayor McKane's letter to you of this date, and feel compelled to respond. The mayor is attempting to use the outward manifestation of my very strong feelings about the horse patrol issue to divert your attention from the sad fact that he and his administrators have not carried out City Council policy.

First, I must confess that I am deeply ashamed that my frustration over this issue caused me to use crude language during the meeting of the Committee on Public Safety and Properties on August 21. I am also highly embarrassed that WILX-TV chose a short sequence from that same meeting during which I used a vulgarity to make the point of how angry I am at the Mayor for not doing his job.

I hereby offer my most sincere apology to Committee Chairperson Blair, Committee members Adado and Benavides, other people in the Council Conference Room at that time, and all members of the public who saw the news report and were offended. I shall do my very best to use acceptable language in all my public speaking.

The mayor, however, would do well to save some of his righteous indignation for members of his own administration using profanity. Later in the day on August 21, at a meeting of my Committee on Ways and Means, the Budget Directors responded to Committee Member Blair regarding scheduling of the next meeting by saying, "... I don't give a ____." Using the standards of contemporary society, I would characterize the Budget Director's choice of words as the worst possible, and a virtual guarantee that she would not be on the 11 o'clock news.

The mayor was not present when the horse patrol

issue was discussed, and I still question all the "strategic thinking" that led to his single page recommendation that the horse patrol be dropped. I, on the other hand, have assembled a body of evidence that proves a horse patrol is needed to provide better security in our parks and in our downtown area. The mayor disparages the horse patrol by saying, "Children especially will enjoy seeing it in action." I submit that all our law-abiding residents will feel more secure when they can see and talk to mounted law enforcement officers.

The mayor admits that the City is experiencing a rise in serious crime and that people are concerned about this. I share this concern, and would remind the mayor how supportive this City Council has been on matters of law enforcement, crime prevention, and virtually everything involving security of life and property. If the mayor has needed more police guidance to solve the crime problem, he has not mentioned it.

But the current dispute centers on the fact that the mayor has not yet implemented existing Council policy. I would like to pose the following questions to the mayor for a timely response:

Why (specifically) do you now recommend dropping the horse patrol when you included a plan in this year's budget (which was subsequently adopted by Council) for the horse patrol to be staffed year-round by full-time regular Parks Security Officers?

If personnel limitations are the problem, why did you allow two vacancies in Parks Security Officer positions to exist for months before replacements were hired. Keep in mind these positions were left open long before the Council's hiring moratorium went into effect. Had the vacancies been filled in a timely fashion, officers and horses could have been trained and in place for our warm-weather season. What level of service did the public receive during the period of these vacancies?

You say that the horse patrol will be very expensive, hard to manage, and it will detract from our ability to provide effective police protection. Prove it.

Your staff has mentioned the lesser mobility of horse patrols to provide adequate coverage of City parks. Why did you recommend purchase of a utility vehicle and horse trailer to improve the mobility of horse patrols?

Thus far, the mayor has not disputed any of my facts about the high level of police protection afforded the public in other cities by horse-mounted officers. President Benavides' letter of February 20 asked the mayor and his administration to "Put away cynicism and the 'It won't work' attitude . . ." I wholeheartedly agree, but what we have before us is a program of merit, asked for by City Council, never implemented in its entirety to prove itself, and a new recommendation from the mayor to drop it because "it won't work."

I hope you will forgive my anger and frustration.

Sincerely,

PATRICK E. LINDEMANN
First Ward Councilmember

Robert Mitchell, Governor Blanchard's representative to the Task Force on Downtown Revitalization, spoke regarding the building of the Embassy Suites Hotel and the urban park concept.

Mary Haney spoke.

Marie Barrett, 900 E. Jolly, spoke regarding the construction project on their street and the inability to use their driveway due to it.

Larry Parker, 1416 New York Avenue, representing the Olds-B.O.C. Golf League spoke in support of Groesbeck Golf Course selling alcoholic beverages and the concept of the golf course being self-supporting to further improvements.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:30 p.m.

RITA M. BAUMAN,
City Clerk.

August 25, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, September 2, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

September 2, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen

Pledge of Allegiance.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-12-86, 815 North Seymour—Lot #4 Block 49, original Plat, City of Lansing, Ingham County, Michigan, to be rezoned from "C" Residential District to "DM-1" Residential District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

Kevin A. McKinney, petitioner spoke and explained the reason for rezoning and asked if there were any questions.

Referred to the Committee on Physical Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council

on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-13-86, 617/629 West Saginaw—Lots 7 and 8, Block 59, Original Plat, City of Lansing, Ingham County, Michigan to be rezoned from "DM-1" Professional Office, "E-2" Local Shopping and "DM-4" Residential Districts to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

Len Linsemier petitioner spoke and explained about the rezoning and asked if there were any questions.

Referred to the Committee on Physical Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-15-86, 3605, 3611 and 3615 West Jolly Road, West 45 feet of Lot 39 the east 78 feet of Lot 39 and the West 66 feet of Lot 40, Maple Grove Farms #1, City of Lansing, Ingham County, Michigan to be rezoned from "A" Residential and "J" Parking Districts to "B" Residential District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No person spoke.

Referred to the Committee on Physical Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-16-86, 3016, 3020 and 3022 South Cedar Street, Lots 1, 2 and 3 and the north 4 feet of Lot 4, plat of Reo Gardens Subdivision, of a part of the West ½ of the southeast ¼ of Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan, to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No person spoke.

Referred to the Committee on Physical Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-17-86, 4510 South Pennsylvania Avenue, the west 150 feet of the property beginning on the west right-of-way line of Pennsylvania Avenue 57.75 feet from the centerline thereof, at a point 689.2 feet south of the east/west ¼ line of Section 34, running thence wouth 256.6 feet on the west line of Pennsylvania Avenue; thence westerly 296.67 feet parallel with the east/west ¼ line; thence north 256.6 feet parallel with Pennsylvania Avenue; thence easterly 296.67 feet to point of beginning, Section 34, T4N, R2W, City of Lansing, Ingham County, Michigan to be rezoned from "J" Parking District to "D-1" Professional Office District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No person spoke.

Referred to the Committee on Physical Development.

PUBLIC HEARING

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Planned Residential Development PRD-1-86 for land located in the 1800 block of Todd Avenue for the construction of twelve (12) units of residential structure.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed planned residential development they would have the privilege of speaking at this time.

Don Meade, 4836 Kenmore Dr., Okemos - petitioner spoke.

Gladys Gilson, 223 W. Barnes Ave. member of CDC #4, spoke in opposition, and presented petitions with signatures in opposition.

Ruth Heuer, 109 Garden St., Vice Chairperson for CDC #4, spoke in opposition.

Referred to the Committee on Physical Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the Special Lane Use, SLU-4-86 — 3605, 3611 and 3615 West Jolly Road to be used in conjunction with the church for parking expansion.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed Special Land Use they had the privilege of speaking at this time.

Thomas Schroeder, 4681 Crampton Way, Holt, Mich. petitioner spoke.

Referred to the Committee on Physical Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set at the time for holding a public hearing on the proposed transfer of the Commercial Facilities Exemption Certificate for Joseph Covello at 112-116 North Larch Street.

The Council President announced that if anyone present had any suggestions or objections to make to the proposed transfer of Commercial Facilities Exemption Certificate they would have the privilege of speaking at this time.

No person spoke.

Referred to the Committee on Economic Development.

September 2, 1986, at 7:00 o'clock p.m. in the City Council Chambers 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed Project Plan for the Economic Development Corporation Olds Plaza Project and issuance of Limited Obligation Revenue Bonds.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed Project Plan for Olds Plaza Project they had the privilege of speaking at this time.

Donald Tripp, 2331 Knob Hill Dr., East Lansing spoke in regard to the project plan.

Referred to the Committee on Economic Development.

THE PUBLIC MAY ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3 MINUTES ON ANY ONE ITEM.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers: Karen S. Watson, Denver D. Goins, Robert W. Eubanks, Steven E. Johnson.

Referred to the Committee on General Services.

Claims filed by:

a. Walter Hapkiewicz, 742 E. Shiawawwee St., for removal of special assessment.

b. Christopher Stralkowski, 3406 Glasgow Drive, for damages due to faulty city sewer lines.

Referred to the City Attorney.

Michigan Liquor Control Commission submits request for On-Premise License for Greater Lansing Convention/Exhibition Authority.

Referred to the Committee on General Services.

Copy of letter sent by Geraldine A. Neal, 1702 Maplewood, to Ingham County Animal Control Dept. regarding control of dogs by owners.

Referred to the City Attorney and Committee on General Services.

Petition for Special Land Use - SLU-7-86, 5200 blk. S. Waverly Rd. (east side) for building a new church filed by Rev. Climmie Hughes.

Referred to the Mayor and Planning Board.

Petitions filed for the paving, curb and gutter for Violet Court.

Referred to the Mayor.

North Lansing Community Association submits letter requesting repairs for the Historic Comfort Station.

Referred to the Mayor.

The Recyclers of Greater Lansing requests meeting with City officials for help in exploring ways to support their recycling programs.

Referred to the Mayor.

Letter from resident on Hillgate, Fairway and Stonewood in regard to the need for a children's play area.

Referred to the Mayor.

Ruby A. Magee submits letter and information requesting support for "Friends for Life" at the Civic Center Auditorium, September 12, 1986.

Referred to the Committee of the Whole.

Rev. Bud Buchner, Lansing Street Ministry, submits information describing the process, evaluation and the person appointed as minister for community street people.

Received and Placed on File.

River Forest Neighborhood Association requests notification so to submit suggestions when the Junk and Secondhand Dealers Ordinance is to be considered in Council Committee Meeting.

Referred to the Committee on General Services and the Council Staff.

State Handicappers Association of Public Employees announces and asks support of their first Annual Awards Banquet on October 2, 1986 at the Hoffman House Restaurant.

Referred to the Mayor and Committee of the Whole.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Mayor made remarks in regard to his letters 4A-Legal Opinion regarding voting action necessary for Embassy Suites Hotel Development Agreements, B-Recommendation for Action regarding Embassy Suites Development Proposals, C-Michigan Square Embassy Hotel and Conference Center; Letter from Barberg & Associates, D-Embassy Suites Financing Update, E-Embassy Suites-Letter of Endorsements, F-Illegal Truck Traffic on Pleasant Grove Road and G-Resignation of Harlow M. Claggett from the Elected Officers Compensation Commission, R-Mayor's recommendation regarding distribution of 1986-87 State Equity Funds.

Councilman Lindemann left the session.

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers: Karen Sue Watson, Denver D. Goins, Robert W. Eubanks, Steven E. Johnson.

Signed:

Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

Councilman Lindemann returned to the session.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES —

To whom was referred the Mayor's Report on a request for a traffic signal at the intersection of Miller Road and Haag Road reports as follows:

Based on a traffic survey and analysis of accident history, the Transportation Division, Traffic Board and the Mayor have all recommended denial of citizen request for a traffic signal at the subject intersection as unwarranted. **THIS REQUEST IS DENIED.**

Signed:

Committee on Public Safety
and Properties

By COUNCILMAN BLAIR—

That the Report of the Committee be Adopted.

Adopted by the following vote:

Unanimously.

COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

To Whom Was Referred the Mayor's report on a study of pedestrian safety on N. Grand River Ave.

REPORTS AS FOLLOWS: The Transportation Division staff studied N. Grand River Ave. between Logan St. and Delta River Drive in response to a constituent request.

Since January 1981, one pedestrian and three bicycle accidents were recorded, none of which might have been prevented if a pedestrian-actuated signal had been in place. The Staff concluded that no action was necessary. The Traffic Board, Mayor and the Committee concur that no pedestrian safety improvements are needed at this time.

Signed:

Committee on Public Safety and
Properties.

By COUNCILMEMBER BLAIR—

That the Report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

To Whom Was Referred the Mayor's report on a request for a Stop or a Yield sign at the intersection of Claremore Drive and Annapolis Drive.

REPORTS AS FOLLOWS: Based on a low accident history (one in five years) and high safe approach speed at the subject intersection, the Transportation Division staff, the Traffic Board and the Mayor have recommended denial of the request for a traffic control device. The Committee concurs, and the request is denied.

Signed:

Committee on Public Safety
and Properties

By COUNCILMEMBER BLAIR—

That the Report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

THE COMMITTEE ON HUMAN SERVICES AND INTERGOVERNMENTAL RELATIONS

To Whom Was Referred the request from the Director of Human Resources to allocate \$5,000 from Human Services Discretionary Funds as a supplemental appropriation to the Center of Handicapper Affairs,

Reports as Follows: An increase in the client caseload has generated more work than the existing part-time counselor can handle. The additional funds will allow the counselor position to be made full-time for the remainder of the contract year. The Committee endorses the request and refers this matter to the Committee on Ways and Means for preparation of the transfer of funds document.

Signed:

Committee on Human Services and
Intergovernmental Relations

By COUNCILMEMBER —

That the report of the Committee be adopted.

Carried.

Adopted by the following vote:

Unanimously.

REPORTS OF CITY OFFICERS AND BOARDS

August 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Grace L. Ansley in the amount of \$2,390.97.

Dear President Benavides and
Members of City Council:

On July 7, 1986, City Council received a claim from Grace L. Ansley, 2034 West Lenawee, for damages to her home due to a sewer backup on June 10, 1986. Claimant's basement was flooded and the carpeting destroyed, furniture soiled, paneling warped and stained. Cleaning and drying out the basement and hauling away the carpet cost claimant \$908.00. (Note: a lower labor cost was given by a second company, which would have reduced this sum to \$593.00). To replace claimant's carpeting, the lowest estimated obtained was \$1,797.97. Claimant's total loss was \$2,390.97.

An investigation by the Public Service Department confirmed claimant's damages were the result of a sewer main overload during an unusually large amount of rainfall. The City Engineer's office indicated that the City received "100 year rains" this spring and summer, and that the sewers are not designed to transport such large amounts of water.

MCLA 691.1407 provides that the City of Lansing is protected by governmental immunity when engaged in

a governmental function. The Michigan Supreme Court recently held in *Ross vs. Consumers Power Co.*, 420 Mich 554, (1985) that "governmental function" includes activities authorized by law. The construction and operation of the City's sewer system is authorized by City Charter, Chapter 3, and City Ordinance, Article III, Sec. 27-40. Accordingly, the City is entitled to governmental immunity in this matter and is not legally obligated to pay this claim. Moreover, governmental immunity aside, there is no indication that the City was negligent in this matter.

Based on the above, it is the recommendation of this office that this claim should be denied.

Respectfully submitted

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

August 28, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's Office by the Budget Director. (Nos. 73-77 for FY86 Year End and #1 for FY87.)

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means

August 28, 1986

President Benavides and Members
of the Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public Driver License for Ronald Lee Price that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Price have a Public Driver License under Section 30-28 (c).

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services

August 28, 1986

Mayor Terry J. McKane,
Council President Antonio Benavides
and City Council Members

RE: Grandview Plaza (Ponson Building)
EDC Project Plan

Dear Mayor McKane and City Council Members:

At a special meeting of the Economic Development Corporation Board of Directors held on August 27, 1986, the attached Resolution Recommending Project Plan for the Grandview Plaza was approved.

Also, attached please find a Resolution Setting a Public Hearing for September 22, 1986 on the Project Plan.

Sincerely yours,

EMERSON B. OHIL
Executive Director

Referred to the Committee on Economic Development

August 28, 1986

Mayor Terry J. McKane,
Council President Antonio Benavides,
and City Council Members

RE: Olds Plaza Hotel (Lyons Savings & Loan)
EDC Project Plan

Dear Mayor McKane and Council Members:

At a special meeting of the Economic Development Corporation Board of Directors held on August 27, 1986, the attached resolution Recommending Project Plan for the Olds Plaza Hotel EDC Project was approved.

The Public Hearing for the EDC Project Plan is scheduled for September 22, 1986.

Sincerely yours,

EMERSON B. OHIL
Executive Director

Referred to the Committee on Economic Development

DATE: 8/29/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Legal Opinion

RE: Voting Action Necessary for Embassy Suits Hotel
Development Agreements

The attached legal opinion prepared by City Attorney Stephen Sawyer is hereby submitted for your information.

Referred to the Committee of the Whole

DATE: 8/29/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Michigan Square Embassy Hotel
and Conference Center

The attached correspondence from R. Michael

Webb, Vice President, Barberg & Associates, is submitted for your information.

Referred to the Committee of the Whole

August 28, 1986

Council President Benavides
and Councilmembers

Dear President Benavides and Councilmembers:

On Monday, April 25, 1986, I officially submitted to each of you a comprehensive development plan for building an Embassy Suites Hotel in downtown Lansing. At that time, I indicated that I was requesting your action on this matter by September 8, 1986. I continue to urge your immediate action on this matter due to the potential adverse impact on both the Embassy Suites project and the Olds Plaza Project. With respect to the Embassy Suites project, the developers face risk that interest rates will rise and adversely impact the economic feasibility of the project. The developer guaranteed the construction cost of the conference center and parking ramp. These guarantees were predicated on construction getting under way this fall. Each day that goes by, inflation continues to raise the estimated costs of these structures. The developer cannot guarantee the construction costs for an indefinite period given these inflationary pressures. The developer has also purchased options on the majority of the property within the site development area. These options are expensive, and the City cannot expect the developer to continue the options without an approved development agreement.

Finally, with respect to the Olds Plaza, the developer's attorney has represented in the press that if the Embassy Suites project is approved by the City, then the developer will not proceed with their project. To assist the developer in developing the Olds Plaza, the City has submitted an Urban Development Action Grant (UDAG) application to Housing and Urban Development (HUD). HUD is requiring that the City supply specific data to them on or before September 15, 1986. Without City Council's decision on Embassy Suites, the City does not have a firm commitment from a developer to do the project. Therefore, I again reiterate my request for action by September 8, 1986. I endorse both projects, and they will be a very necessary addition to our downtown area. You as the legislative body must decide whether or not you want either of the projects to go; however, your inaction by September 8, 1986, can result in both of these projects being lost for the Lansing area. I urge you to decide by your action, not your inaction.

I and my appropriate staff are available to provide you with any information that you may require to make a timely decision.

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee of the Whole

DATE: 8/28/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Embassy Suites Financing Update

The attached correspondence prepared by Stephen W. Duarte, City Controller, is submitted for your information.

Referred to the Committee of the Whole

August 27, 1986

Council President Tony Benavides
and City Councilmembers

RE: Embassy Suites—Letters of Endorsement

Dear President Benavides and Councilmembers:

Please find attached additional letter from Michigan Association in support of the Embassy Suites Project. As I mentioned previously, my staff and I will be happy to meet with you to answer questions or provide additional information you require to make a decision.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee of the Whole.

DATE: 8/26/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Illegal Truck Traffic on Pleasant Grove Rd.

The attached reports regarding illegal truck traffic on Pleasant Grove Road have been compiled by Chief Gleason of the Lansing Police Department and are submitted to you for your information.

Received and Placed on File.

DATE: 8/28/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Resignation of Harlow M. Claggett from
Elected Officers Compensation Commission

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 8/27/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update

The attached correspondence from the Director of Personnel & Training is being submitted for your information.

Referred to the Committee on General Services

DATE: 8/28/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Tax Abatement Application Review
(Joseph Covello, 112-116 N. Larch St.)

The attached Tax Abatement Application Review is submitted for your information.

Referred to the Committee on Economic Development.

DATE: 8/28/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Sale of Vacant Lot - 1517 S. Washington
(NDA #4) LS-12-86

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and take suggested action as quickly as reasonable possible.

Referred to the Committee of Physical Development

DATE: 8/28/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Withdrawal of Z-3-86 and SLU-2-86

The attached correspondence is being submitted for your information.

Referred to the Committee on Physical Development.

DATE: 8/28/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-39-86, Priggooris Park,
Bath Township

The attached recommendation is being submitted with my concurrence. I recommend that you carefully review it and take the suggested action as quickly as reasonably possible.

Referred to the Committee on Public Properties and Safety.

DATE: 8/28/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-19-86, 1107, 1109, 1115 N. Seymour

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 8/28/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-20-86, 2001, 2009, 2011 and
2015 South Logan Street.

The attached recommendation is submitted with my concurrence. I recommend that you carefully review this material and take suggested action as soon as reasonably possible.

Referred to the Committee on Physical Development

DATE: 8/28/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-12-86, 3427 Pleasant Grove Road

The attached correspondence is submitted with my concurrence. I recommend that you carefully review it and take suggested action as soon as reasonably possible.

Referred to the Committee on Physical Development

DATE: 8/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29 (\$7,181.56)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation for the Mayor and said assessment be placed on said assessments rolls.

Carried.

DATE: 8/26/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29 — December 1986 Tax Roll (\$3,721.21).

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER —

That we concur in the recommendation of the Mayor and said assessments be placed on said assessments rolls.

Carried.

DATE: 8/28/86

TO: Council President Tony Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash in R.O.W. Removal Assessments for December, 1986 (V-13) (\$2,582.92)

The attached assessments are submitted with my concurrence. I recommend that you carefully review them and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER —

That we concur in the recommendation of the Mayor and said assessments be placed on the assessments rolls.

Carried.

DATE: 8/26/86

TO: Council President Tony Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31, December 1986 Tax Rolls (\$5,896.50)

The attached assessments are submitted with my concurrence. I recommend that you carefully review them and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER —

That we concur in the recommendation of the Mayor and said assessments be placed on the assessments rolls.

Carried.

To: Council President Tony Benavides and Members, Lansing City Council

Re: Mayor's Recommendation Regarding Distribution of 1986-87 State Equity Funds

As you know, Lansing is eligible for up to \$500,000 in 1987 "Equity" funds. As I have before, I thank Governor James J. Blanchard, Senator William A. Sederburg, and other Legislators for appropriating these funds to assist our community's cultural, convention, and tourism efforts

For your information I have attached an Appendix A which describes our 1984-85 and 1985-86 used of Equity Funds. It also summarizes the 1986-87 Equity legislation.

You will recall that I asked you and other community leaders for input regarding the City's use of 1986-87 Equity Funds. In addition I convened two meetings in my office to discuss the program. I also have discussed it privately with numerous interested persons.

I sincerely appreciate the involvement of Councilmembers, staff, Legislators, cultural agency administrators, and other interested persons in the formulation of this recommendation.

Recommendation—

I recommend that the City apply for \$500,000 from the Equity Funding for projects as follows:

Potter Park Zoo: As you know, we currently are undertaking a major renovation project at Potter Park Zoo. The primary funding for this major project is coming from a 1984 bonding issue. I recommend that **\$100,000** in Equity funds be used to assist this project. The funds will be matched 50/50 with funds from our bond issue.

Total funding will be used to develop a "natural" area around the feline/primate house (which currently is being renovated). The proposed natural area will include boulders, ponds and waterfalls, and trees and other vegetation.

Local Arts Agencies: Several years ago arts agency directors, City staff, and I worked out a formula to distribute City funds. This formula is an attempt to distribute funds in an equitable manner. It also works to fund those agencies that attract significant tourism to the community.

I recommend that **\$90,000** be allocated to arts agencies based on this formula. (Please note: the agencies currently are working to refine this formula. They soon will make a recommendation regarding it to me. I will then recommend it to you. This will reach you by mid-September.)

Two years ago Councilmembers suggested that funds also be distributed to some smaller agencies that do not qualify under the formula—but that have specific projects that will attract visitors to the City. I support this recommendation. I recommend that **\$10,000** be set aside again this year for this purpose. These funds will be administered by the Arts Council Center.

Currently Riverwalk Theater is moving downtown to occupy a part of the Impression 5 complex. This theater will be a welcome addition to Lansing's cultural attractions. After meeting with local arts administrators I recommend that a special grant of **\$20,000** be allocated to Riverwalk Theater to assist the move to Lansing.

All of these Equity Funds will be complemented by generous private support and by grants from foundations and other governments.

Michigan Square Project: As you know we currently are working with developers to build a hotel/convention/business/park complex on East Michigan Avenue. I recommend that **\$100,000** in Equity funds be set aside to assist with the public park aspect of this project.

I will have a specific recommendation for you regarding use of these funds at a later date. I will not allow them to be spent without your review and approval.

Sesquicentennial: Senator Seberburg and others are very involved in local efforts to celebrate our 150th birthday as a State. They also are working with many persons, agencies, and local governments to create a "Summerfest." This would be a major summer cultural festival that would attract people to our City and region.

I recommend that \$50,000 be allocated to our local sesquicentennial committee for these purposes.

Floating Fountain: Last year the State awarded us \$50,000 in Equity funds to create a "floating fountain" in the Grand River near the Board of Water and Light Building. We later negotiated that these funds would be used for the "Approach to the Capitol" instead. However, it was presumed that the fountain project would be a part of this year's proposal.

The BWL remains very interested in the project. In fact, staff indicates the Board will fund half of it. I recommend \$50,000 in Equity Funds for the floating fountain. These funds would not be spent until you have had the opportunity to review and approve the plans for the fountain.

Convention-cultural area landscaping: The area around Museum Drive still is in need of additional trees. So, too, are our downtown parks—Reutter, Durant, and Kalamazoo Plaza. I recommend \$15,000 in Equity Funds to assist with landscaping in these areas. (Note: both the State and Ingham County have recently participated in planting additional trees in the downtown area.)

Library: Our Library is a valuable cultural resource for our greater Lansing region. We gave it Equity Funds in 1984-85. I recommend an additional \$25,000 for the Library as part of next year's funding.

Police protection: Some have criticized our downtown and adjoining cultural areas as having a perception of being unsafe. This is particularly the case in the evening. Several persons—including Sen. Seberburg—have suggested that a "beat cop" would be helpful in making our downtown convention/cultural/tourism area a more attractive and safe place.

I recommend that \$40,000 be used on an experimental one-year basis for additional convention/cultural/tourism police protection. It is understood that this "beat cop" will especially patrol in places and during times of convention and cultural activity. Police staff will be available to discuss this experimental program with you at committee meetings.

Other suggestions: Several other suggestions were made during the course of my Equity discussions. These included a new band shell for outdoor performances, a childrens' playground in Riverfront Park, repair of the Nautilus Fountain, and a downtown boat ramp. I have asked staff to examine each of these ideas in cooperation with interested persons. It is possible that I will recommend one or more of them as part of future Equity or other funding.

It also was suggested that funds be used to prepare a brochure that describes our cultural attractions. I did not include a recommendation for this. However, the Arts Council Center and Convention-Visitors Bureau could work together to create one from the mini-grant program.

Conclusion

The above recommendations represent a carefully worked out consensus (among most people, at least) regarding the use of our 1986-87 Equity Funds. No single interest group or agency will be totally pleased with it; however, I believe it treats all legitimate interest fairly.

My recommendation also is in keeping with both the letter and spirit of the Equity legislation. This is important because projects that do not fit the law will not be approved for funding by the State.

Staff and involved person are available to meet with you as necessary to further discuss the above projects and my recommendations.

Again I thank State leaders for making these funds available to Lansing. I also thank the Councilmembers and other concerned person who took the time to share their thoughts regarding this program with me and my staff.

Sincerely,

TERRY J. MCKANE,
Mayor.

c: Involved Persons

Referred to the Committee of the Ways and Means and the Committee on Public Safety and Property.

APPENDIX A

Lansing's Outstate Equity Program

Background Information:

In 1984-85 Lansing received \$496,000 from the Outstate Equity Program (OEP). These funds were distributed as follows:

Approach to the Capitol	\$200,000
Convention Center	190,000
Arts Agencies (by formula)	80,000
Impression 5 - 18,800	
BoarsHead - 13,600	
Arts Council - 13,600	
Symphony - 9,600	
Art Gallery - 5,600	
R E Olds - 5,200	
Opera Co. - 3,600	
Small grants - 10,000	
Lansing Public Library	26,000
	\$496,000

In 1985-86 Lansing's OEP amount was much less—only \$163,800. The funds were given as follows:

Potter Park Zoo	\$80,000
Approach to the Capitol	50,000
Impression 5	15,100
Symphony	12,300
Art Gallery	6,400
	\$163,000

The Legislature recently passed a 1986-87 OEP. This appropriation bill (HB 5389) includes up to \$500,000 for Lansing. From the bill:

"\$2,000,000 shall be allocated to cities, villages, and townships with populations greater than 125,000 be less than 1,000,000." [According to the State Fiscal Agency, Lansing's 1980 population was 125,974.

Others in this category: Grand Rapids, Warren, and Flint. The bill states that non of these cities may get more than \$500,000.]

"Grants . . . shall meet the following criteria:

(a) Funding shall be utilized for regional services, in 1 or more of the following categories:

(I) cultural institutions, (II) historical projects, (III) zoos, (IV) convention facilities, (V) tourism facilities, (VI) libraries, and (VII) capital improvement or economic development projects related to subparagraphs (I) to (VI)."

"Grant applications shall be received by the department of commerce no later than November 1, 1986 . . . All grants shall be awarded before December 31, 1986 . . . Priority shall be given to projects that qualify as capital improvement or regional projects and that leverage additional public and private investment. No grant shall be made that assumes or requires an additional public grant in subsequent years to complete a project."

DATE: 8/27/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES —

Resolved by the City Council of the City of Lansing:

That, the Michigan Hispanic Scholarship Fund, Inc., is recognized as a non-profit scholarship fund organization in the City of Lansing, Michigan.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION SETTING HEARING DATE

(Grandview Plaza Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7:00 o'clock p.m., Michigan Time, on Monday, September 2, 1986, at which the following members were present:

Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington.

and the following were absent: None

The following preamble and resolution were offered by COUNCILMEMBER ADADO and supported by COUNCILMEMBER BELEN:

Whereas, this City Council has heretofore approved a Project Area and established a Project District Area for the Grandview Plaza Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer"); and

Whereas, Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2 require that in order for bonds to be issued by the Issuer to assist in the financing of the Project, this City Council conduct a public hearing, after notice, and approve the issuance of bonds, all as provided in the Act and Temporary Regulations; and

Whereas, this City Council wishes to set a date for a public hearing on a Project Plan for the Project to be prepared by the Issuer.

Now, Therefore, be it resolved by the City Council of the City of Lansing, as follows:

1. A public hearing upon the issuance of bonds in the aggregate face amount not to exceed \$5,500,000 and the Project Plan for the Project shall be held at 7 o'clock p.m., Michigan Time, on the 22nd day of September, 1986, in the City Council Chambers, 10th Floor, City Hall, in the City of Lansing, County of Ingham, State of Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested person to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue and the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

2. The City Clerk is hereby requested to publish, post, and mail notice of such hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act and Temporary Treasury Regulations Sections 5f.103-2.

3. The City Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, by only to the extent of such conflict.

YEAS — Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindeman, Schmidt, Worthington .

NAYS — None.

ABSTENTIONS — None.

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 2nd day of September, 1986, at the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said

meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN
Clerk, City of Lansing.

NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF LANSING
PROJECT PLAN
FOR THE ECONOMIC DEVELOPMENT CORP.
OF THE CITY OF LANSING
GRANDVIEW PLAZA PROJECT
AND ISSUANCE OF LIMITED OBLIGATION
REVENUE BOND

Notice is hereby given that the City Council of the City of Lansing will hold a public hearing at 7 o'clock, p.m., in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan, on the 22nd day of September, 1986, on a Project Plan prepared by The Economic Development Corporation of the City of Lansing for its Grandview Plaza Project (the "Project"). The Project is to be initially owned by and undertaken for the benefit of Riverview Associates, a Michigan partnership.

The Project consists of the acquisition, construction, renovation and equipping of an approximately 88,000 square foot commercial facility, and the site therefor, for office/retail use, to be located on the corner of Michigan and Grand Avenues, with a street address of 206 East Michigan Avenue, Lansing, Michigan.

The location of the Project Area and the Project District Area in relation to highways, streets, streams or otherwise is indicated in the Project Plan.

Maps, plats, and a description of the proposed Project Plan, including the method of relocating families and individuals who will be displaced from the area, if any, are available for public inspection at the office of The Economic Development Corporation of the City of Lansing, located on the 9th Floor, City Hall, Lansing, Michigan. All aspects of the proposed project Plan will be open for discussion at the public hearing, including the proposed issuance of limited obligation revenue bonds in the maximum principal amount of \$5,500,000 by The Economic Development Corporation of the City of Lansing to assist in financing the Project. The Project Plan contains further information about the issuance of such bonds and the financial parameters of the proposed bond issue.

The City Council will consider the approval of (i) the Project Plan and (ii) the proposed bond issue only after the public hearing has been completed.

The City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed Project Plan and the proposed bond issue.

RITA M. BAUMAN
Clerk, City of Lansing

Published, Posted and Mailed to
property owners of record within
the Project District Area.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES —

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division Staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all reviewed and approved a citizen request for a traffic control device at the intersection of Claremore Drive and Ellendale Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves installation of a YIELD sign on Claremore Drive at Ellendale Drive.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES —

Resolved by the City Council of the City of Lansing:

Whereas, recent reconstruction of Hazel Street between Cedar Street and Pennsylvania Avenue necessitates the removal of on-street parking to accommodate traffic; and

Whereas, the Transportation Division staff, the Traffic Board, the Mayor, and the Committee on Public Safety and Properties have reviewed this matter and concur in a recommendation to prohibit on-street parking on this section of Hazel Street;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the following changes in parking regulation on Hazel Street:

DELETE the following:

STREET — Hazel, E.
RESTRICTION — No Parking
SIDE — North
FROM — Holmes St. TO — Hosmer St.

STREET — Hazel, E.
RESTRICTION — No Parking
SIDE — North
FROM — Penn. Central RR
TO — 150' West of Penn. Central RR

STREET — Hazel, E.
RESTRICTION — No Parking
SIDE — North
FROM — Beech St. TO — Cedar St.

STREET — Hazel, E.
RESTRICTION — No Parking
SIDE — South
FROM — Cedar St. TO — Hosmer St.

ADD the following:

STREET — Hazel, E.
RESTRICTION — No Parking
SIDE — North
FROM — Holmes St. TO — Cedar St.

STREET — Hazel, E.
RESTRICTION — No Parking
SIDE — South
FROM — Cedar St. TO — Penn. Ave.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES —

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division Staff, The Traffic Board, the Mayor, and the Committee on Public Safety and Properties have all reviewed and approved a request from Fourth Ward Councilmember Creamer to install Yield Signs at the intersection of Westbury Road and Cumberland Road;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves installation of YIELD signs on Westbury Road at Cumberland Road.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE —

Resolved by the City Council of the City of Lansing:

Whereas, the Tri-County Office on Aging had requested City co-sponsorship of an event at the Lansing Civic Center on September 12, 1986; and

Whereas, by resolution adopted May 27, 1986, the City Council approved City co-sponsorship of the event, with the City Center fee to be charged to an appropriate administrative account; and

Whereas, this same resolution inadvertently did not address the request to provide parking in the Civic Center lot for patrons of the event;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves use of funds from the City Special Events account to provide the City Center parking lot to patrons of the "Friend for Life" benefit banquet on September 12, 1986.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS —

Resolved by the City Council of the City of Lansing:

Fiscal Year 1986 —

That the following transfer be approved:

\$5,092.00 from District Court-Salaries
A/C 760-136-000-702

\$5,092.00 to District Court-Fringe Benefits
A/C 760-136-000-715

(Actual Expenses charged to Court are above budgeted amount.)

Recommended by:

IAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director

Approved:

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS —

Resolved by the City Council of the City of Lansing:

FISCAL YEAR 1987

That the following transfers be approved:

\$5,650.00 from General Fund Reserve for Contingency.
A/C 101-941-000-963

\$5,650.00 to District Court Expenditures.
A/C 101-136-000-700
(Insurance and Bond premiums above budget level.)

\$5,650.00 from District Court Estimated Revenues.
A/C 760-000-000-160

\$5,650.00 to District Ct. Insurance & Bonds.
A/C 760-136-000-910
(Insurance and bond premiums above budget level.)

\$5,000.00 from Human Service Agencies—Human Service Discretionary Funds.
A/C 101-934-120-969

\$5,000.00 to Human Service Agencies—Handicapper Advocacy.
A/C 101-934-084-969

(To re-establish a full-time counselor position for the Center for Handicapper Affairs to assist in counseling services for independent living skills, thereby making agency budget total \$15,000 instead of \$10,000)

The Balance in the Reserve for Contingency Fund after this transfer is \$739,783.00.

Recommended by:

IAN LAZAR,
Budget Director.

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER SCHMIDT —

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following items.

Adopted by the following vote.

President Benavides and
Member of Lansing City Council

RE: Dahl v City

Dear President Benavides and
Members of Lansing City Council:

Recently, the City's Law Department was disqualified from representing the City of Lansing in the above-referenced case based on the Plaintiff's intention to call several of the office's members as witnesses. The case involves a constitutional challenge to the City's ordinance and practices regulating certain adult businesses including one owned by the Plaintiff. The case is currently scheduled for trial before the Honorable Wendell Miles of the Federal District Court for the Western District of Michigan sometime in November, 1986.

Because of the disqualification of this office and the imminent trial, it is essential that the City retain outside legal counsel in this matter immediately. For that purpose, this office recommends the retention of Mr. James DeGrazia of the firm of Plunkett, Cooney, Rutt, Watters, Stanczyk and Pedersen, P.C. Mr. DeGrazia very recently successfully represented the City of Warren, Michigan in a similar case, and additionally, is a very experienced trial lawyer who represents numerous municipalities throughout the state. His charge rate for representing the City in this matter would be \$125.00 per hour plus reasonable and necessary expenses. As much work as possible would be conducted by associates and paralegals at lesser rates.

In the event Mr. DeGrazia cannot represent the City in this matter due to conflicting trial schedules, this office would recommend retaining the law firm of Foster, Swift, Collins and Coey, P.C. They have ample experience in federal litigation and would represent the City ably in this matter. Their charge would be based on the hourly rate of the attorneys involved plus reasonable expenses. In the event they are retained, Mr. Stephen Shultz of their firm would be primarily responsible for the case and would charge \$95.00 per hour.

Your expeditious consideration of this matter is recommended.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT —

That we concur in the recommendation of the City Attorney and that the outside legal counsel of named above be retained.

Carried.

REMARKS BY THE MAYOR

Mayor remarked on the closing of No. Grand Avenue between Michigan Ave. and Ottawa St. and due to the construction of the pedway across Grand Ave. the Street would be closed between 8:30 a.m. and 4:30 p.m. for the 2-3 days.

The following streets will be closed this week for construction purposes:

Main Street near Division.
Michigan Avenue - Capitol to Bridge.
Holmes St. - Michigan to Eureka.
Eureka - Allen to Rosamond.
Michigan Avenue - Jones to Ferguson.
Grand Avenue at Washtenaw.
Bergman - Holmes to Rita Ct.
Holmes - Stabler to Tenny.
Jolly Road - Cedar to Pennsylvania Ave.
St. Joseph St. - Pine to NB Logan.
Clifford - Michigan to Eureka.
Clifford - Prospect to Eureka.
Lenawee - Grand Ave. to Cherry.
Washington Bridge - over the Grand River.

REMARKS OF COUNCILMEMBERS

Councilmember: ADADO asked if the Mayor had talked to the Police Department of the Chief of Police in regard to the drug problem.

Grace Ansley, 2034 W. Lenawee St. spoke in regard to her claim that was denied, that was on the agenda under letter #1 - City Attorney.

By COUNCILMEMBER ADADO —

That we reconsider the action taken in regard to the claim of Grace L. Ansley in the amount of \$2,390.97 for sewer backup and refer this back to the Mayor and the Public Service Department and a copy of the investigation report be sent back to the Committee of the Whole.

Carried.

Rick Amber, 1213 W. Shiawassee St. spoke on the equity funding and how it is spent. Not enough Police Officers to inspect burglary requests.

Lester Hanson, 3135 N. Grand River Ave. spoke in regard to the Riverfest, Traffic Light at Gormans Food Store on N. Grand River Ave. and the overpass. And ask for sidewalks on North Grand River Avenue, also the corner of Delta River Dr. and No. Grand River Ave. in need of a traffic light, and the shrubbery blocking the view.

By COUNCILMEMBER BENAVIDES —

That this meeting stand adjourned:

Carried.

Council adjourned at 8:45 P.M.

RITA M. BAUMAN
City Clerk.

Lansing, Michigan.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, September 8, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

September 8, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer

Pledge of Allegiance.

PUBLIC HEARING

September 8, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed transfer of Commercial Facilities Exemption Certificate for Riverview Associates, The Poxson Property, E. Michigan Ave. & So. Grand Ave. for new facility.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed transfer of certificate, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

September 8, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed transfer of Commercial Facilities Exemption Certificate for Riverview Associates, The Poxson Property, E. Michigan Ave. & S. Grand Ave. for restoration.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed transfer of certificate, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

September 8, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed transfer of Commercial Facilities Exemption Certificate for Chicago Dock and Canal Trust, One Michigan Ave., for transfer of balance of original term of 12 year.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed transfer of certificate, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

September 8, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Michigan Products, Inc. Project and Issuance of Limited Obligation Revenue Bonds.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Project, they will have the privilege of speaking at this time.

No person spoke.

Referred to the Committee on Economic Development.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Bruce McGuire, Jr. on behalf of his father, Bruce McGuire, Sr. and sister, Natalie, spoke and presented the city a check for \$25,000.00 as a gift for the Michigan Square Project.

Mike Sarhan, 1900 Pleasant Grove Rd. spoke in opposition to the Embassy Hotel.

Mary Haney spoke in support of the Embassy Hotel.

Jim Cooper of the Churchill Co. of Minnesota spoke in opposition of the Embassy Hotel.

Gordon Long, 6820 S. Cedar St., spoke in opposition to the Embassy Hotel and stated it would have a negative impact for number of years to come.

Kevin McKinney, representing the Downtown Neighborhood Association, spoke in support of the Embassy Hotel.

Tom Onderko spoke in support of the Embassy Hotel.

Mary Clark, 208 S. 8th St. spoke in support of the Embassy Hotel.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

BEER and WINE CARRY OUT-Madison Food Market

SECOND HAND DEALER LICENSE-Music Manor

PUBLIC DRIVERS - Ronald A. Hurd, George H. Hurrell, James A. Bolan, Penny Lynn Bennett, Daniel A. Morris.

AMUSEMENT LICENSE - Masters Rides.

Referred to the Committee on General Services

The following claims were filed:

a. Elise Davis, 609 E. Hillsdale St. for damages done to various items in her basement due to backup of sewer.

b. Carl M. McMann, 307 E. Hodge St. asking for reimbursement of charges billed for having sewer unplugged.

c. Donald Merrill, 323 N. Walnut St. for injuries sustained due to a fall in an unbarricaded hole on S. Capitol Ave.

d. Jonathan W. Wright for damages to his automobile after hitting an unbarricaded hole on Saginaw St. at Durant St.

e. Larry Andringa asking that special assessment fee on property at 221 Bingham St. be withdrawn.

f. Salija Bokram, 603 Edison St. for damages done to her automobile during construction of the No. Grand Ramp extension.

Referred to the City Attorney.

Letter from Carol L. McDaniels in regard to problem that exist in Glenburne 5 area (grown weeds and illegal trash dumping) and ask for some enforcement in this matter.

Referred to the Mayor and the City Attorney.

Letter from Lansing's Neighborhood Council in regard to release of Community Development Block

Grant Funds for the acquisition of land and the construction of a public street. (Pere Marquette Dr. right-of-way acquisition project).

Referred to the Mayor.

Letter from Joanne Bauer in regard to public rest rooms.

Referred to the Mayor.

Letters in regard to the noise ordinance from:

- a. River Forest Neighborhood Association.
- b. Deveara Covey - 528 W. Grand River Ave.

Referred to the City Attorney and the Committee on Public Properties and Safety.

Letter from the Tri-County Office on Aging in regard to the Ride-along week for the home delivered meals and asked the Council's help in maintaining the services for the elderly.

Received and Placed on File.

Letter from Carl Fenner in regard to supporting the resolution passed by the City Council on August 25, 1986 to dispose of Priggooris Park.

Received and Placed on File.

Notice from Liquor Control Commission - State of Michigan on behalf of Mark A. Latterman representing Block "100" Limited Partnership on the cancellation of the application for a full year B-Hotel license at 111 No. Grand Ave.

Referred to the Committee on General Services.

Letter from Glenn H. Freeman, President of Greater Lansing Labor Council, in regard to construction of the Embassy Suite Proposal on East Michigan Ave. and offering support.

Referred to the Committee of the Whole.

Letter from Sam Bono, Secy-Treasurer of the Southeastern Michigan Building Trades Council offering support in regard to the Embassy Suite proposal.

Referred to the Committee of the Whole.

MAYOR COMMENTS ON ANY ITEM ON THE AGENDA

- Mayor McKane spoke regarding his letters -
- 2a (Letters of Endorsement for Embassy Suites Hotel)
 - 2b (1986 Downtown Donor Days Success-American Red Cross Blood Drive),
 - 2c (Resignation of Edward L. Remick from Lansing Planning Board and Board Zoning Appeals), and
 - 2d (Resignation of William R. Schulz from Housing and Redevelopment Advisory Board.)

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES —

Approved the following licenses and bonds:

Beer & Wine Carry Out - Madison Food Market

Second Hand Dealer License - Music Manor

Public Driver - Ronald A. Hurd, George H. Hurrell, James A. Bolan, Penny Lynn Bennett, Daniel A. Morris.

Amusement License - Masters Rides.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PAT LINDEMANN
Committee on General Service

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

COMMITTEE REPORT

The Committee on General Services to whom was referred the Ordinance amending subsection (D) of Section 4-10 of Chapter 4 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course reports as follows:

That said ordinance be approved.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann and Worthington—6.

NAYS: Councilmembers Blair and Schmidt—2.

REPORTS OF CITY OFFICERS AND BOARDS

President Benavides and
Members of Lansing City Council

RE: Claim of Michael D. Crews for \$209.16

Dear President Benavides and
Members of Lansing City Council:

On May 15, 1986, Michael D. Crews, 3932 Hartford #31, Lansing, filed a claim for damages to his car's windshield allegedly caused by a golf ball coming from the Waverly Golf Course on April 26, 1986 while claimant was heading eastbound on Saginaw Street.

The Director of Parks and Recreation investigated this claim and reported that approximately two years ago the Department removed a dead tree which had been located between the #6 golf green and Saginaw Street. This tree may have protected vehicles on the road from golf balls which overshot the green. The

tree was not recognized as having that value, but the Department intends to replace it, since it may have been planted years ago for that purpose.

Notwithstanding the above report, there is no evidence of negligence on the part of any City employee or a defect in any City facilities. Additionally, pursuant to the newly expanded definition of governmental function, the operation of a public golf course may be governmental in nature and, therefore, immune from liability such as this. Nevertheless, it has been the City's longstanding policy to pay claim such as this where they are verifiable and reasonable in amount. Therefore, it is the office's recommendation that this claim should be paid in the amount of \$209.16.

Very truly yours,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT —

That we concur in the recommendation of the City Attorney and the City Clerk be and is hereby authorized to draw a warrant on the City Treasurer in the amount of \$209.16 payable to Michael D. Crews.

Carried

President Benavides and
Members of Lansing City Council

RE: Claim of Gary S. Cirilli for \$84.72

Dear President Benavides and
Members of Lansing City Council:

On May 5, 1986, Gary S. Cirilli, 6042 Winterset, Lansing, filed a claim for damages to his car's right front fender allegedly caused by a golf ball coming from the Groesbeck Golf Course on April 28, 1986.

This matter was investigated by the Director of Parks and Recreation who reported that the claimant's vehicle was parked adjacent to the golf course in a long established parking area at the time of the incident. No prior complaints of damage to cars by golf balls have been reported in this area, and there have been no changes in the tee, green or fairway alignment; no trees have been trimmed or removed, and no fences have been removed.

There is no evidence of fault by any City employee or defect in any City Facility in this matter. Additionally, pursuant to the newly expanded definition of governmental function, the operation of a public golf course may be governmental in nature and, therefore, immune from liability such as this. Nevertheless, it has been the City's longstanding policy to pay claims such as this where they are verifiable and reasonable in amount. Therefore, it is this office's recommendation that this claim be paid in the amount of \$84.72.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT —

That we concur in the recommendation of the City Attorney and the City Clerk and she is hereby

authorized to draw a warrant on the City Treasurer in the amount of \$84.72 payable to Gary S. Cirilli.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Mary Browley
in the amount of \$1,500.00

Dear President Benavides and
Members of Lansing City Council:

On July 7, 1986, Mary Browley, 115 W. Cavanaugh, Lansing, filed a claim for damages to her carpeting in her home allegedly due to a City sewer back-up on June 11, 1986. This was at a time when the City experienced extremely heavy rainfall causing extensive sewer back-ups throughout the City.

This claim was investigated by the Public Service Department which reported that a review of the complaint history for the area does not reveal an excessive number of sewer complaints since 1981. Upon receipt of the complaint in this case, a City crew was dispatched to immediately clean the City sewer main.

Based on the above, particularly the excessive rainfall at the time, this office is on the opinion that no negligence by the City is involved in this matter. Since there is no evidence of negligence in this case, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Rev. Dr. Gary Cowell
in the Amount of \$50.00.

Dear President Benavides and
Members of Lansing City Council:

On May 6, 1986, Rev. Dr. Gary Cowell, 2122 Cogswell, Lansing, submitted a claim in the amount of \$50.00, the amount of his automobile insurance deductible for glass replacement. Claimant indicates that while he was northbound on South Waverly on the West side of the golf course a golf ball struck and shattered his windshield.

Information received from the Parks and Recreation Department indicates that the claimant's vehicle was struck by a golf ball which flew over the fence along Waverly Road. This is a recurring problem when errant golf balls cause damage to vehicles traveling on Waverly Road adjacent to the golf course. The City has planted pine trees in several locations to limit the number of such incidents. However, it will take a number of years before the pine trees are of sufficient height to effectively screen the property.

While the operation of Lansing's golf courses may be subject to governmental immunity pursuant to recent case law, (Ross v Consumers Power Company, 420 Mich 567, 620 (1984)), it has long been the policy of the City to pay claims such as this. Therefore, based upon the above facts and policy, it is the recommendation of this office that this claim be granted.

Respectfully submitted,

STEPHEN R. SAWYER,
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby authorized to draw a warrant on the City Treasurer in the amount of \$50.00 payable to Rev. Dr. Gary Cowell.

Carried:

President Benavides and
Members of Lansing City Council

RE: Claim of Lafayette Beers
in the Amount of \$312.96.

Dear President Benavides and
Members of Lansing City Council:

On June 16, 1986, City Council reviewed a claim from Lafayette Beers, 1014 Lake Lansing Road in the amount of \$312.96 to repair vehicle damage. Claimant indicates he was properly parked at Groesbeck Golf Course on May 15, 1986 when a golf ball damaged the top of his 1978 BMW. Claimant obtained two estimates for the repair and repainting necessary to restore his vehicle to its previous condition in the amounts of \$312.96 and \$351.00.

Investigation by the Parks Department confirms that facts of the claim: Claimant was in the golf course parking area near the number 10 fairway, some golfers do hit the ball over a nearby tree and a ball could ricochet off the tree to the parking area, there were two golf ball-size dents in Claimant's vehicle on May 15, and the vehicle appeared otherwise to be in excellent condition.

While the operation of Lansing's golf courses may be subject to governmental immunity pursuant to Ross v Consumers Power Co., 420 Mich 567, 620 (1984), it has long been the policy of the City to pay claim such as this. Therefore, based upon the above facts and policy, it is the recommendation of this office that the claim be paid in the amount of \$312.96.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby authorized to draw a warrant on the City Treasurer in the Amount of \$312.96 to Lafayette Beers.

Carried:

The Claim of Ronald C. Thompson in the amount of \$42.97 was pulled from the agenda until circumstances can be checked further.

DATE: 9/4/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Letters of Endorsement for Embassy
Suites Hotel.

The attached letters of endorsement are submitted
for your information.

Referred to the Committee of the Whole.

DATE: 9/3/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: 1986 Downtown Donor Days Success -
American Red Cross Blood Drive.

The attached correspondence from the American
Red Cross is submitted for your information.

Received and Placed on File.

DATE: 9/3/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Resignation of Edward L. Remick from
Lansing Planning Board and Board of Zoning
Appeals.

The attached correspondence is submitted for your
information.

Received and Placed on File.

DATE: 9/3/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Resignation of William R. Schulz from
Housing and Redevelopment Advisory Board.

The attached letter of resignation is being submitted
for your information.

Received and Placed on File.

DATE: 9/5/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Critical Needs Authorization Update.

The attached memorandum is submitted for your
information.

Referred to the Committee on General Services.

DATE: 9/4/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Tax Abatement Review:
CRD-12-80, One Michigan Avenue, and
CRD-13-80, Poxson Site.

The attached memorandum is submitted with my
concurrence. I recommend that you review this infor-
mation and take the requested action as soon as
reasonably possible.

Referred to the Committee on Economic Develop-
ment.

DATE: 9/4/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Trash Assessment U-31, December 1986
Tax Roll (\$5,606.50).

The attached Trash Assessments are submitted with
my concurrence. I recommend that you review these
assessments and take the recommended action as soon
as reasonable possible.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and said assessments be placed on the
December 1986 tax roll.

Carried:

DATE: 9/4/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor.

SUBJECT: Grass Assessment L-29,
December 1986 Tax Roll (\$4,253.73).

The attached Grass Assessments are submitted with
my concurrence. I recommend that you review these
assessments and take the recommended action as soon
as reasonably possible.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the
Mayor and said assessments be placed on the
December 1986 tax roll.

Carried:

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0388

Resolved by City Council of the City of Lansing:

That, the request from the Greater Lansing Con-
vention/Exhibition Authority for a Civic Center

License for the Lansing Exhibition Center is hereby approved.

Approved by the following vote:

Unanimously.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0389

Whereas, on November 19, 1979, the Lansing City Council issued a Commercial Facilities Exemption Certificate (CRD-3-79) to the Larch Street Furniture Store Partnership at 112-116 North Larch Street; and

Whereas, Joseph Covello is acquiring this property and has applied for the transfer of this Commercial Facilities Exemption Certificate from the Larch Street Furniture Store Partnership; and

Whereas, a hearing was held on Joseph Covello's application for a Exemption Certificate transfer on September 2, 1986, at which time all interested persons had an opportunity to be heard; and

Whereas, Joseph Covello has met or will meet the requirements for said Exemption Certificate transfer as required by Public Act 255 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing.

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the application from Joseph Covello for the transfer of the Commercial Facilities Exemption Certificate in Lansing Commercial Redevelopment District CRD-3-79, from the Larch Street Furniture Store Partnership, to Joseph Covello.

Approved by the following vote:

Unanimously.

By COMMITTEE ON PHYSICAL DEVELOPMENT.

RESOLUTION #0390

P-5-83

Skye View Subdivision

Tentative Preliminary Plant

Whereas, tentative preliminary approval was given for the 24 lot, single family subdivision plat know as Skye View Subdivision by Lansing City Council on January 16, 1984, for a period of twelve (12) months; and

Whereas, the proprietors of the Skye View preliminary plat have requested an extension of the approval granted in 1984 in order that they might proceed with developing the property; and

Whereas, the Planning staff has reviewed the application for extension and found that there is to be no

change from that approved by City Council on January 16, 1984;

Now, Therefore, Be it Resolved that the Lansing City Council does grant an extension of the tentative preliminary approval granted for the Skye View Subdivision on January 16, 1984 for a twelve (12) month period from this date; and

Be It Further Resolved that this approval carry with it all requirements stipulated in the City Council tentative preliminary approval dated January 16, 1984.

Approved by the following vote:

Unanimously.

PUBLIC IMPROVEMENT IV

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0391

Resolved, by the City Council of the City of Lansing:

That the Special assessment roll for STORM SEWER and SANITARY SEWER —

Assessment Roll No. 300, Sanitary Sewer.

Property Benefited: All lands fronting on East Sheridan Road from the existing sewer at 810 East Sheridan Road west approximately 400 ft. to serve Lot 29 of Woodlawn subdivision (710 E. Sheridan Rd.) excepting all public streets and alleys and other lands deemed not be benefited.

Assessment Roll No. 300, Sanitary Sewer.

Property Benefited: All lands fronting on West Sheridan Road from Truner Street east to 110 East Sheridan Road excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300, Sanitary Sewer.

Property Benefited: All lands fronting on Walker Street from Sheridan Road south approximately 600 ft. excepting all public streets and alleys and other lands deemed not benefited.

Assessment Roll No. 300, Storm Sewer (Ordered).

Property Benefited: All land fronting on Grovenburg Road from end of existing to approximately 115 ft. south and continuing from LaBelle Rd. South approximately 435 ft. to intersection of Edgewood Rd. excepting all public streets and alleys and other land deemed not benefited.

Assessment Roll No. 300, Sanitary Sewer.

Property Benefited: All lands fronting on South Waverly Rd. (west side) from Phoenix Drive South approximately 400 ft. (to serve 5424 S. Waverly Rd.) excepting all public streets and alleys and other lands deemed not benefited.

as returned by the City Assessor(as amended by the City Council upon review as follows) by, and the same is hereby ratified and confirmed, and the Mayor by, and hereby is, directed to affix within ten days, his warrant directing the City Treasurer to collect said tax on or before the EIGHTH day of DECEMBER, 1986.

All projects are a part of the SHERIDAN ROAD Pumping Station & Others —

SEWERS CONTRACT, PS 16045.

By COUNCILMEMBER CREAMER—

That this be voted on with the exception that Walker St. be voted separately.

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER CREAMER —

That we reconsider the action and vote on Walker St. separately. The vote for Walker St. to be part of the Sanitary Assessment Roll No. 300 for Public Improvement IV was adopted by adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann and Worthington. (7)

NAYS: Councilmember Schmidt—1.

By COMMITTEE OF THE WHOLE

RESOLUTION#0392

Resolved by the City Council of the City of Lansing:

Whereas, the City Council has strongly supported a change in the budget format and Council's review process; and

Whereas, the Internal Audit Staff did an extensive review fo Zero based budgeting and did not recommend its use for the City based on their review; and

Whereas, the Ways and Means Committee has worked for several months to develop an alternative budget format that would address the questions, issues and needs of the Council for its review and has recommended approval of a format developed to meet these requirements; and

Whereas, the Council recognizes such a system will not be perfected in the initial year and would need refinement if adopted permanently;

Now, Therefore, Be It Resolved, that the City Council hereby adopts the budget format (sample attached) recommended by Ways and Means as a one year pilot project; and

Be It Further Resolved, that the Council understands that such a format will be presented through an enhanced and modified version of this Budget Executive Summary; and

Be It Finally Resolved that the Council hereby amends its budget hearing schedule to accomplish the new review and will have four (4) half day sessions in which several departments involved in a given City service will all participate and during which decisions will be made in addition to one full-day wrap-on session to finalize the budget.

Adopted by the following vote:

Unanimously.

By COMMITTEE OF THE WHOLE

RESOLUTION #0393

Resolved by the City Council of the City of Lansing

Whereas, the City of Lansing has received a proposal from Barberg & Associates, Inc., hereinafter referred to as the Developer, to develop a Hotel Conference Center Complex oin the north side of the 500 block of East Michigan Avenue, between Cedar and Larch Streets and extending north up to the south boundary of the City of Lansing Municipal Parking Garage; and

Whereas, this Development Proposal calls for the construction and operation of an "Embassy Suites" Hotel of at least 272 hotel rooms and the construction of a conference center of a least 30,000 square feet gross, the construction of a parking ramp of at least 440 parking spaces and the assembly of a public site along the north side of the 500 block of East Michigan Avenue; and

Whereas, development of the Hotel Conference Center Complex as proposed will result in the creation of numerous jobs both during construction of the complex and in the operation of the resulting complex; and

Whereas, construction of the Hotel Conference Center Complex in the above described area will result in the rehabilitation and improvement of a substantially blighted and depressed commercial area; and

Whereas, the construction and operation of the proposed Hotel Conference Center Complex are expected to encourage and result in further renovation and development in currently depressed and blighted areas surrounding the proposed development; and

Whereas, the Mayor has recommended that the City of Lansing enter into a Development Agreement, a Conference Center Construction Agreement, and a Conference Center Management Agreement with the Developer which specify the terms, conditions and responsibilities of the Developer, the City and the City of Lansing Building Authority for the implementation of this Development Proposal; and

Whereas, these documents have been reviewed by the Lansing City Council;

Now, Therefore, Be It Resolved, that in accordance with the recommendation of the Mayor, the City Council of the City of Lansing does hereby approve the Development Agreement, Conference Center Construction Agreement, and Conference Center Management Agreement between the City of Lansing, Barberg & Associates, Inc., and the City of Lansing Building Authority which are in a form, substantively, as the documents attached hereto and authorizes the Mayor and the City Clerk to execute these Agreements.

By COUNCILMEMBER ADADO—

That a substitute resolution be presented for the one in the packet at this time.

Carried.

By COUNCILMEMBER ADADO—

That Councilmember Blair be excused from voting on this issue.

Carried.

By COUNCILMEMBER ADADO—

That Council recess for five minutes to study the new resolution.

Carried.

City Council recessed at 8:15 p.m. and reconvened at 8:25 p.m.

By COUNCILMEMBER ADADO—

That we substitute the new Page 11 for the one in the Development Agreement.

Carried.

By COUNCILMEMBER ADADO—

I move to amend this agreement to add that the new Conference Center be built with the present Convention/Exhibition Center on land already owned rather than next to the Embassy Suites Hotel.

FAILED by the following vote:

YEAS: Councilmembers Adado and Lindemann (2)

NAYS: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington (5)

By COUNCILMEMBER ADADO—

I move to amend this agreement by building the parking ramp on property currently owned on the West side of Cedar St. north on the Convention/Exhibition Center and south of the City Market.

FAILED by the following vote:

YEAS: Councilmembers Adado and Lindemann (2)

NAYS: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington. (5)

Councilmember Belen pointed out that the actual resolution adopting the agreements was not before Council now and moved that it be considered.

Carried.

By COUNCILMEMBER ADADO—

I move that if the land in front of the Embassy Hotel is developed into a Park that B & A provide any required matching funds on a 50/50 basis with the City and that daily upkeep for the park be the responsibility of the developer.

FAILED by the following vote:

YEAS: Councilmembers Adado and Lindemann (2)

NAYS: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington. (5)

By COUNCILMEMBER ADADO—

I move that if the urban plaza area is not developed as a park or parking ramp the restriction of use approval by B & A of Michigan, Inc. should be removed from the agreement.

FAILED by the following vote:

YEAS: Councilmembers Adado and Lindemann (2)

NAYS: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington (5)

By COUNCILMEMBER BELEN —

I move that we approved the substitute resolution.

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Schmidt, Worthington and Lindemann (6)

NAYS: Councilmember Adado (1)

Letter received from George E. Mills, Vice Chairman of the Economic Development Corp. Board of Directors, regarding the Tax Increment Finance Authority approving the concept of the Embassy Suites in the Cedar/Larch area.

Received and Placed on File.

Letter from the Board of Directors of the Downtown Neighborhood Association expressing strong support for the Embassy Suites Hotel/Michigan Square Project.

Received and Placed on File.

By COMMITTEE ON WAYS AND MEANS

RESOLUTION #0394

Resolved by the City Council of the City of Lansing:

Fiscal Year 1986—

That the following transfer be approved:

\$3,538.00 from Public Service O&M Storm Sewer Maint. Equipment Rental
A/C 101-445-018-943

\$3,538.00 to Public Service Admin. and Railroad Leases
A/C 101-441-000-945
(due to the dispute with Conrail over leasing of City-owned property, no payments for City rail leases have been made for three years. These expenses are now being charged in FY 85-86.)

Carryforward

That the following account shall have the remaining balance at year end FY 85-86 carried forward in the same amount unless other wise specified:

Parks and Recreation

\$6,500.00 - Reserve for Contingency
A/C 101-941-000-963

Carried Forward into:

\$6,500.00 - Capitol Improvements Projects
Red Cedar Bike Link
A/C 101-936-761-974

Recommended by:

JANET LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

JAMES J. BLAIR
SIDNEY P. WORTHINGTON
PAT LINDEMANN

Adopted by the following vote:

Unanimously.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0395

Resolved by the City Council of the City of Lansing:

Fiscal Year 1987

That the following transfers be approved:

- 1) \$65,000.00 from Gen. Admin. Reserve for Contingency
A/C 101-941-000-963

\$65,000.00 to Law-Professional Services
A/C 101-210-000-801
(Legal Services for Case G84367CA)(5)

- 2) \$3,275.00 from General Fund Estimates Revenues
A/C 101-000-000-160

\$3,275.00 to C.I.P. Park Acquisition & Development Restricted
A/C 101-936-416-974
(Reimbursement to Parks & Rec. for transfer of Parcel 61 - a portion of Kahres Park - to Public Service for Edgewood Blvd. right-of-way per Council resolution of 6-30-86 and 12-10-79.)

- 3) \$38,000.00 from Unallocated Reserve for Contingency
A/C 101-941-000-963.1

\$38,000.00 to Groesbeck C.I.P. Golf Irrigation
A/C 101-936-712-979
(Additional funding necessary to accept low bid for golf course irrigation project.)

The Balance in Reserve for Contingency after this transfer is \$674,783.00.

Recommended by:

JANET LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

JAMES BLAIR
SIDNEY P. WORTHINGTON
PAT LINDEMANN

Adopted by the following vote:

Unanimously.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinance, City

of Lansing, Michigan be amended by amending subsection (D) of Section 4-10 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course.

And recommended that the ordinance be passed.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending subsection (D) of Section 4-10 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER BELEN—

That we substitute a new ordinance which specifies that the sale of beer and wine on Groesbeck Public Golf Course shall only be in connection with Special Events.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann and Worthington.(7)

NAYS: Councilmember Schmidt (1)

By COUNCILMEMBER BLAIR—

That we amend this Ordinance on Page 2, Line 28, by removing the "Comma" the words, "PUBLIC OR PRIVATE," and inserting, "NOT SPONSORED BY THE CITY OF LANSING."

Adopted by the following vote:

Unanimously.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by amending subsection (D) of Section 4-10 to permit the sale and consumption of alcohol beverages in Groesbeck Public Golf Course be now passed:

The Ordinance as Amended was adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann and Worthington—6.

NAYS: Councilmembers Adado and Schmidt—2.

ORDINANCE NO. 726

An Ordinance to amend Section 4-10 of Chapter 4 of the Code of Ordinance of the City of Lansing, Michigan, to permit the sale and consumption of Alcohol Beverages in Groesbeck Public Golf Course.

The City of Lansing Ordains:

Section 1. Section 4-10 of Chapter 4 of the Code of

Ordinances of the City of Lansing is hereby amended to read as follows:

Sec.4-10. Consumption in public places, private parking areas, prohibitions and exceptions.

(a)(1) It shall be unlawful for any person to sell, consume or possess in an open container alcoholic beverages in the public streets, parks, alleys, sidewalks, city-owned parking facilities or the Turner-Dodge Mansion, except as provided in this section.

(2) It shall be unlawful for any person to sell, consume or possess in an open container alcoholic beverages in a private parking lot or facility, including but not limited to, shopping center parking lots or parking areas adjacent to commercial establishments which are utilized by patrons of the commercial establishment, unless such person has in his or her possession, in writing, the express permission or consent of the owner or lessee or the lawful agent of the owner or lessee of said lot or facility. This subsection shall not apply to any event sponsored or authorized in writing by the owner or lessee of such premises.

(b) Beer or Wine may be sold for consumption in the Riverfront Park if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the City Council approves the license application prior to the issuance of the license. Approval by the City Council shall be obtained only if the license is to be utilized in conjunction with a City-approved cultural, ethnic or community activity open to the public and if the requisites set forth in subsections (f), (g) and (h) of this section are met.

(c) Beer or Wine may be sold for consumption at Municipal Baseball Field or Ranney Softball Field if a special license for such sale is obtained from the Michigan Liquor Control Commission and if the City Council approves the license application prior to the issuance of the license. Approval by City Council shall be obtained only if the license is to be used in conjunction with city approved district, state, regional or national adult athletic tournaments, and if the requisites set forth in subsection (f), (g) and (h) of this section are met.

(d) Beer or Wine may be sold for consumption within the grounds of the Turner Dodge Mansion, Scott Gardens, Cooley Gardens, GROESBECK PUBLIC GOLF COURSE and Cooley Hayes Property and may be consumed within the grounds of the Turner Dodge Mansion, Scott Gardens, Cooley Gardens, GROESBECK PUBLIC GOLF COURSE and Cooley Hayes Property, provided that all permits as required by the parks department have been obtained from the Michigan Liquor Control Commission and if the requisites set forth in subsections (f), (g) and (h) are met. Rental fees for the Turner Dodge Mansion or for events at the Scott Gardens or Cooley Gardens shall be set by City Council resolution. Use of the Turner Dodge Mansion or Scott Gardens or Cooley Gardens or GROESBECK PUBLIC GOLF COURSE in conjunction with the sales of beer or wine for consumption shall not be necessarily limited to public or city council approved events, but may also include private events. **SALE or CONSUMPTION of BEER or WINE ON GROESBECK PUBLIC GOLF COURSE SHALL ONLY BE IN CONJUNCTION WITH SPECIAL EVENTS NOT SPONSORED BY THE CITY OF LANSING.**

(e) Beer or Wine may be sold for consumption

within the streets, alleys, sidewalks and public places within the boundaries of the Downtown Mall and Environs, as defined in section 24A-1 of this Code, provided the following conditions are satisfied:

(1) The request has been approved by the Mayor after the mayor has received recommendations from the mall advisory board and from any other city department the mayor may desire;

(2) The individual, group or organization making the application obtains a special license for such sale and consumption from the Michigan Liquor Control Commission;

(3) The individual, group or organization has complied with subsections (f), (g), (h) and (i) of this section;

(4) Any other conditions which the mayor may require.

(f) The City Clerk shall provide a form on which the applicant shall provide the following information:

Name and Address of the applicant; name of the organization, if applicable; type of event; estimated number of persons attending; the name of the insurance company, if applicable, from which the necessary public liability policy will be or has been obtained; proof that the proper rental fee has been paid, if applicable; and the security measures which the applicant proposes to utilize.

Upon the applicant's payment of the ten dollar (\$10.00) application fee, the city clerk shall forward a completed application form to the city police and the city parks department for their review.

(g) Whenever a special license for the sale of beer or wine for consumption in Riverfront Park, Municipal Baseball Field, Ranney Softball Field, within the Downtown Mall and environs or within the grounds of the Turner Dodge Mansion, Scott Park, Cooley Gardens, and Cooley Hayes Property is required, the applicant shall file with the City Clerk proof of property damage insurance policy insuring the applicant against any liability imposed on such applicant and/or the City of Lansing arising out of the sale of beer or wine. Such policy shall provide for no less than payment of up to three hundred thousand dollars (\$300,000.00) in the event of injury to, or death to, one person or more than one person; and for the payment of no less than one hundred thousand dollars (\$100,000.00) for property damage. Such policy shall have a provision to the effect that the insurance company shall notify the city clerk at least ten (10) days prior to the expiration of such policy. Provided, however, that this requirement may be waived or the amounts of such required insurance reduced by resolution of the Lansing City Council finding that such a reduction or waiver is in the public interest.

(h) The applicant shall be solely responsible from providing adequate security, in the form of adequate personnel and fencing, as determined by the city parks department. Approval by the city parks department of the applicant's plan for security shall be obtained prior to any application being approved or any event being scheduled.

(i) It shall be unlawful for any person or authorized agent to sell beer or wine for consumption in Riverfront Park, Municipal Baseball Field or Ranney Softball Field, in any container other than paper

or plastic. It shall be unlawful for any person or authorized agent to sell or dispense beer or wine for consumption within the Turner Dodge Mansion, in any container other than paper or plastic, unless prior written permission has been received from the city parks department.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions thereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By ADADO, BELEN and CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Councilmember Blair left the meeting.

By COMMITTEE OF THE WHOLE —

RESOLUTION #0396

Resolved by City Council of the City of Lansing:

Whereas, the Lansing City Council has affirmed that the development of the Embassy Hotel and Conference Center is a major part of the revitalization of the downtown area; and

Whereas, the proposed plan for the development of the "Michigan Square" Project includes a 272 room hotel, and a 30,000 square foot conference center, a 440 space parking ramp, and a 3.8 acre urban plaza; and

Whereas, there are competitive grant funds available through the State of Michigan which is known as the Michigan Natural Resources Trust Fund; and

Whereas, Michigan Natural Resources Trust Fund dollars are necessary to acquire and develop the urban plaza portion of the "Michigan Square" Project; and

Whereas, the Michigan Natural Resources Trust Fund requires a local share contribution of 25 percent of total project cost; and

Whereas, the estimated total acquisition and relocation project costs are \$3.3 million; and

Whereas, the Urban Park Plaza will be developed in phases with the phase I estimated local share being approximately \$560,000;

Now, Therefore, Be It Resolved, that the Department of Planning and Municipal Development be authorized to submit a grant application to the Michigan Natural Resources Trust Fund for the Urban Plaza portion of the "Michigan Square" Project; and

Be It Further Resolved, that the Mayor be authorized to sign the grant contract in the event of the award

of the grant after it is approved as to from by the City Attorney; and

Be It Finally Resolved, that the Controller is authorized to set appropriate accounts as is necessary for the disbursement of funds as it pertains to the Michigan Natural Resources Trust Fund Grant and the Urban Plaza portion of the "Michigan Square" Project.

Adopted by the following vote:

Unanimously.

Councilmember Blair returned to the meeting.

By COUNCILMEMBER CREAMER—

RESOLUTION #0397

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a policy regarding the disposition of vacant lots in Neighborhood Development Areas; and

Whereas, Section 8-403.4 of the City Charter of the City of Lansing requires that City Council approve proposed sales of real estate;

Now, Therefore, Be It Resolved by the Lansing City Council that the following sales be and are hereby approved;

To Gerrit J. Heuer, the property legally described as North 10 feet of Lot 1, Block 1, Hall's Third Addition, City of Lansing, Ingham County, Michigan

and

To LeVear E. Lyon, the property legally described as the West 63 feet of Lot 1, except the north 10 feet thereof, Block 1, Hall's Third Addition, City of Lansing, Ingham County, Michigan

and

To Gerrit J. and Ruth M. Heuer, the property legally described as the South 40 feet of the West 28 feet of the East 57 feet of Lot 1, Block 1, Hall's Third Addition, City of Lansing, Ingham County, Michigan

and

To Gerrit J. and Ruth M. Heuer, the property legally described as the South 40 feet of the East 29 feet of Lot 1, Block 1, Hall's Third Addition, City of Lansing, Ingham County, Michigan.

Adopted by the following vote:

Unanimously.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA —

Mayor McKane thanked the Council for their vote concerning the Embassy Suites.

REMARKS OF CITY COUNCIL

COUNCILMEMBER WORTHINGTON thanked

Councilmembers and all who supported the ordinance for sale of beer and wine at the Groesbeck Golf Course and for the resolution for enterprise account for golf courses.

COUNCILMEMBER BENAVIDES thanked Councilmembers for their dedication in passing the resolution for the Embassy Suites.

Ed Vogt, member of the Lansing Economic Development Corporation commented on the approval of the Embassy Suites. He spoke of the need for arranging the sale of the Civic Center and applying the money to the new Convention/Exhibition Center for expanded space also cited the lack of retail businesses downtown.

Mary Haney spoke of the Northside of Lansing needing new businesses.

By COUNCILMEMBER BENAVIDES —

That this meeting stand adjourned:

Carried:

Council adjourned at 10:15 p.m.

RITA M. BAUMAN,
City Clerk

Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, September 15, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

September 15, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt, Worthington (6).

Absent: Councilmembers Belen and Lindemann (2).

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt

Pledge of Allegiance.

Council Proceeding of August 4 and 11, 1986 approved and carried.

PUBLIC HEARING

September 15, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed establishment of Industrial Facilities Exemption Certificate for the Olofsson Corporation, 1407 Rensen St. for new construction.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Industrial Development District they will have the privilege of speaking at this time.

No Persons Spoke.

Referred to the Committee on Economic Development.

September 15, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed establishment of Industrial Facilities Exemption Certificate for the Olofsson Corporation, 2727 Lyons Avenue for construction of a new facility.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Industrial Development District they will have the privilege of speaking at this time.

Gary Andrews, 560 Brookland Blvd., spoke of the movement of equipment in and out of facility and made a recommendation that a service road be constructed for their access off Pennsylvania Ave.

Referred to the Committee on Economic Development.

September 15, 1986, 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 306 East Lenawee Street.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

September 15, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1017 West Hillsdale.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

John Lindsay, owner, spoke and stated he had made repairs to the property.

Referred to the Committee on General Services.

A presentation as made at the City Council Meeting by the Lansing Baha' is submitting booklet entitled "The Promise of World Peace." Jean Gazzell represented the group and addressed City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the rules of the Council be waived for the purpose of presenting Grady Porter, Ingham County Commissioner, who resides in the City at 745 W. Lenawee St. Mr. Porter spoke on enforcement of the City Housing Code and problems of people trying to

find housing that live at the Embassy Apts., 524 S. Chestnut St. due to the condemnation of the building.

Others speaking were:

Ernestine McMullen, working with the residents to obtain housing and made an appeal to landlords for housing for the people being evicted.

Geneva Smith, 716 W. Lenawee.

Brooke Hagerty, 707 W. Kalamazoo St.

Brenda Crook, resident of 524 S. Chestnut.

Jacqueline Warr, Human Resource Director.

Vickie Rittman, resident of 524 S. Chestnut.

Tim Bogart, 418 N. Fairview Ave.

Angela Bonard, Tenant of 524 S. Chestnut.

Susan Christian, 312 S. Clemens St.

THE PUBLIC MAY ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

George Cutler, No. Lansing Railroad Museum, spoke regarding Communication No. 10.

Sandy Barrera, 1601 Linval St. and Mrs. Grace Bebee, 547 Norman St. spoke regarding Communication No. #8.

Gary Andrews, 560 Brookland Blvd. spoke regarding Mayor's letter #4g.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses;

Public Drivers—Dwayne Alan Wickham, Kenneth Ray Williams, Larry Fred Zakora, Rick A. Miller, Robert Allen Richmond, James Robert Zimmerman, Phillip Clayton Kersey, Paul Anthony Carbonell.

Sign Erectors License—Beacon Sign Co.

Referred to the Committee on General Services.

Suits filed by:

a. Robert Halmich, 1003 Clark St. v City of Lansing, Lansing Police Dept. and Owen Deatrach, individually and as detective for Lansing Police Dept. for constitutional and Civil Rights Act violations, false arrest and Imprisonment and malicious prosecution.

b. Vera Morrow, 919½ W. Washtenaw St. v City of Lansing for automobile needing repairs after she had gone to court to get her car back.

Referred to the City Attorney.

Claims filed by:

a. Marc Le-Main Harris, 3207 Maloney St., for

automobile damages and hospital bill after their vehicle was struck by a city truck.

b. J & A Drain Cleaners for sewer cleaning at 1612 S. Pennsylvania which was determined to be caused by a plugged city line.

c. Michael Patrick Kelley and Brian Patrick Kelly, 5027 Tenny St. for injuries received at Davis Park.

Referred to the City Attorney.

Michigan Liquor Control Commission submits notice of request for on-premise license from Block 100 Limited Partnership, 111 Grand Ave., for Resort B-Hotel with four additional bars.

By COMMITTEE ON GENERAL SERVICES—

Resolved by the City Council of the City of Lansing:

That the request from the Block 100 Limited Partnership to include four additional bars in a new Resort B-Hotel License, to be located at 111 Grand Avenue, Lansing, is hereby approved.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

Petition for rezoning Z-27-86 — 1217 W. Oakland to be rezoned from "DM-4" Multiple Family District to "D-1" Professional Office District filed by Bank of Lansing.

Referred to the Mayor and Planning Board.

Application for Transfer of Commercial Facilities Exemption Certificate filed by Art C. Baryames for property at 405 S. Grand Avenue.

Referred to the Committee on Economic Development and Mayor.

Stephens-Kyes & Associates, Inc. submits copies of their submittal letters to other agencies who will review the preliminary plat of Kares Farm No. 2.

Referred to the Mayor.

Letter from residents of Baker, Mt. Hope, Cedar St. and Bailey regarding the clean-up of their area last summer.

Referred to the Mayor and Committee on Public Safety and Properties.

Letter from the Lansing Jaycees regarding Oktoberfest to be held September 26 and 27, 1986 at the Marshall Street Armory.

Referred to the Mayor.

George Cutler, Lansing-North Lansing Electric

Railroad Museum, request permission to lay rail in the street from north of the new Convention Complex to Impression 5.

Referred to the Mayor and the Committee on Public Safety and Properties.

Thomas Van Johnson, Center City Ministerial Alliance and Board Member of Lansing 2000 submits letter regarding Embassy Suites Hotel.

Received and Placed on File.

Thomas R. Finley, submits letter regarding Equity Funds for the benefit of Boys & Girls Club of Lansing.

Referred to the Committee on Ways and Means.

CONGRESSMAN HOWARD WOLPE SUBMITS—

a. Update on General Revenue Sharing and Tax Reform.

Referred to the Mayor and the Committee on Ways and Means.

b. Lansing Debtbusters Participants.

Alan W. Kamens, Pastor of Grace Lutheran Church, requests closing of Gilbert Court at south end of their parking lot.

Referred to the Mayor.

Michigan Municipal League submits letter for promoting the 1986-87 series of emergency management training courses in cooperation with the Emergency Management Division of the Michigan State Police.

Referred to the Mayor.

MAYOR'S COMMENTS ON AGENDA ITEMS

Mayor McKane commented on problems the Building Inspectors encounter during the course of their work.

Also spoke regarding his letters 4b (Appointment of Jack E. Morgan to Planning Board); 4c (Appointment of Grant Hilt to the Board of Zoning Appeals); 4d (Resignation of John N. Gohlke from Board of Building Appeals); 4e (Running Races in Downtown Lansing) and 4g (Recommendations re: City Allocation of Outstate Equity Funds).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—Dwayne Alan Wickham, Kenneth Ray Williams, Larry Fred Zakora, Rick A. Miller, Robert Allen Richmond, James Robert Zimmerman, Phillip Clayton Kersey, Paul Anthony Carbonell, Russell L. Burch, Danny L. Teigeler.

Sign Erector — Beacon Sign Company, William G. Vincent.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the following Rezoning Petitions:

a. Z-12-86 — 815 N. Seymour to be rezoned from "C" Residential District to "DM-1" Residential District.

b. Z-13-86 — 617/629 W. Saginaw and 614 N. Sycamore to be rezoned from "D-1" Professional Office, "E-2" Local Shopping and "DM-4" Residential District to "F" Commercial District.

c. Z-15-86 — 3605, 3611 and 3615 W. Jolly Rd. to be rezoned from "A" Residential and "J" Parking Districts to "B" Residential District.

d. Z-16-86 — 3016, 3020 and 3022 S. Cedar Street to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District.

e. Z-17-86 — 4510 S. Pennsylvania Ave. to be rezoned from "J" Parking District to "DM-1" Professional Office District reports as follows:

That the rezoning petitions be approved.

Signed:

CHARLES M. CREAMER
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CRFEAMER—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

President Benavides and
Members of Lansing City Council

RE: Further Report to Council on the Tillman Claim

Dear President Benavides and
Members of Lansing City Council:

On July 18, 1984, Harold Tillman submitted a claim in the amount of \$1,164.63 for damages to his home at 3424 Burchfield. Claimant alleges construction equipment caused the ceiling and walls of his home to crack.

On September 27, 1984, Mr. Tillman was referred WEMCO Construction by the City Council. WEMCO Construction had agreed contractually to be responsible for all damages to persons or property. On October 5, 1985, Mr. and Mrs. Tillman reached a settlement with WEMCO Construction Company in the amount of \$3,500.00 and signed a release of all claims.

After payment of \$3,500, the Tillmans, through the Sixty Plus Law Center, resubmitted their claim to the

City on December 26, 1985 claiming damage in excess of \$10,000.00. The Tillmans claim that their walls and ceiling had begun to crack and that their lawn and driveway that was once level with the neighbors has begun to slope. This damage was allegedly caused by the vibration of the machinery as well as sinking of the property.

The City Attorney's office has examined the Tillman's claim for damages as well as the release of all claims signed by them. It is our opinion that the release relieving WEMCO Construction from liability also releases the City from liability. Therefore, the City is under no obligation to the Tillmans for any alleged damage claimed by them.

Furthermore, it is the opinion of Dennis Randolph, City Engineer, that the damage to the Tillman house is a result of age-related deterioration and not the result of construction or negligence. To arrive at this conclusion Mr. Randolph relied on topographic maps produced from aerial photographs taken in 1978 (City construction began in 1983). These maps show that the Tillman's property had not been level with their neighbors prior to construction. In fact, the drainage condition which exists now, was in existence in 1978. It is the opinion of this office that any damage done to the property at 3424 Burchfield is a result of a pre-existing condition. However, if City Construction in any way affected this problem, the \$3,500 paid by WEMCO Construction Company to the Tillmans would more than adequately compensate them for any alleged damage.

Therefore, it is the recommendation of this office that no further action be taken in regard to this claim.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action is needed in regard to this claim.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Frederick Watson
in the Amount of \$86.38.

Dear President Benavides and
Members of Lansing City Council:

On July 21, 1986, Frederick Watson, 3121 Trappers Cove #23, Lansing, filed a claim for damages to his car allegedly due to debris in the road on I-496 near the Jolly Road exit on July 9, 1986.

The Public Service Department investigated this claim and reported the City does not maintain I-496. It is maintained by the Michigan Department of Transportation.

Consequently, this claim has been referred to the state department for resolution. No further action need be taken by the Council at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action is needed at this time for this claim.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Peter Mireles
in the amount of \$728.56

Dear President Benavides and
Members of Lansing City Council:

On July 14, 1986, Pete Mireles, 3740 Turner, Lansing, filed a claim for damages to his automobile allegedly caused by a manhole cover located at the corner of East Saginaw and Howard Street in Lansing on July 9, 1986.

This claim was investigated by the Public Service Department which reported that East Saginaw Street and Howard Street are state truck lines, and the construction project there was under the jurisdiction of the Michigan Department of Transportation.

This claim has been referred to the Michigan Department of Transportation for resolution and no further action need be taken by the Council at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action is needed for this claim at this time.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Ygnacio Velasquez

Dear President Benavides and
Members of Lansing City Council:

On August 4, 1986, Ygnacio Velasquez, 2018 Irene Street, Lansing, filed a claim for damages to his house on July 15, 1986 allegedly due to the City's negligence. Claimant submitted two estimates; one for \$1,800.00 and another for \$650.00 for repair of the damages.

The Public Service Department investigated this claim and reported that on July 16, 1986, an Operations and Maintenance employee was dumping gravel at 2018 Irene Street for surface maintenance on the street. Dumping the gravel required the raising of the truck's "dump" box, which caught a telephone wire. The telephone wire had been installed underneath several sections of siding of the house; so when the wire was pulled the several sections of siding were pulled away from the house.

The Department report added that the driver could have been more cautious by looking for overhead wires before raising the box; in addition, the report stated the telephone company could have installed the wires on

the outside of the siding in order to reduce the degree of damage to the house.

Since it is very obvious that the City was responsible for the damage and because operation of a motor vehicle was involved, therefore avoiding governmental immunity, it is the recommendation of this office that this claim be settled for the lower of the two estimates submitted by claimant on the condition that claimant sign a waiver of all future claims against the City.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk is hereby directed to draw a warrant on the City Treasurer in the amount of \$650.00 payable to Ygnacio Velasquez and the claimant is to sign a waiver of all future claims against the City.

Carried.

President Benavides and
Members of Lansing City Council

RE: Claim of Carmen Haeck
in the Amount of \$129.23

Dear President Benavides and
Members of Lansing City Council:

On July 31, 1986, Carmen J. Haeck submitted a claim in the amount of \$129.23 for front end damage to her automobile. Claimant states that on July 28 she was proceeding out of the driveway of Sparty's restaurant and Perry's store. Her vehicle fell off the driveway down into the excavated portion of the roadway. Claimant believed that the City was negligent in blocking off the roadway or in not providing a ramp to out into.

Information received from the Public Service Department indicates that road construction was being performed on Hazel Street on that date. The driveway that the Claimant used was blocked by two standard Type II baracades with warning light. The project engineer was on the site at the time of the incident. He indicated that barricades were in place and that the Claimant apparently drove around the barricades.

Based upon the fact that Type II barricades were in place and that the claimant chose to drive around those barricade, it is the recommendation of this office that this claim be denied.

Respectfully submitted

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER Schmidt-

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

DATE: 9/8/86

TO: President Benavides and
Members of Lansing City Council

FROM: Police Chief Richard A. Gleason

SUBJECT: Parade Application—
VIET NAM VETS OF AMERICA.

Attached is an application for a parade permit from the above-referenced organization, scheduled for 10 a.m. on Friday, September 19, 1986, which has been approved by all the necessary departments.

Our personnel estimate this will cost the City a total of \$45.50, which represents two officers and two vehicles for one hour.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Police Chief and this parade application for September 19, 1986 be approved.

Carried.

DIRECTOR OF FINANCE submits copies of the Employees Retirement Systems and the Police and Fire Retirement System Annual Reports as of December 31, 1985.

Received and Placed on File.

DATE: 9/9/86

TO: Council President Tony Benavides
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Public Hearing:
1000 East Grand River Ave.
125-27 Hill,
934 Center St.

The attached request for public hearing is submitted with my concurrence. I recommend that you review this request and take the recommended action as soon as reasonably possible.

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Mayor and the public hearing be set for September 29, 1986 on these properties.

Carried.

September 11, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear Council President Benavides
and Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Jack E. Morgan to the Planning Board. The term will expire June 1989.

Mr. Morgan resides at 2023 Peggy Place and is employed as Assistant Chief Deputy Director Michigan Department of Transportation. He is an active participant of a number of community organizations and committees and will offer his professional skills to this Board.

I trust you will give careful consideration to the appointment of Jack E. Morgan to this important Board.

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee on Physical Development.

September 11, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear Council President
and Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Grant Hilts to the Board of Zoning Appeals. The term will expire June 1988.

Mr. Hilts resides at 2142 W. Edgewood and is employed with the State of Michigan Department of Transportation. He is actively involved in a number of community organizations and offers expertise on a variety of subjects.

I trust you will give careful consideration to the appointment of Grant Hilts to this important Board.

Best personal regards,

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee on Physical Development.

DATE: 9/11/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Board of Building Appeals
Resignation—John N. Gohlke

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 9/11/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Running Races in Downtown Lansing

The attached correspondence and recommendations prepared by Douglas Finley, Parks and Recreation Director, are submitted with my concurrence. I ask that you review then and take the recommended action as soon as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/11/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update

The attached memorandums are being submitted for your information.

Referred to the Committee on General Services.

September 10, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and Councilmembers:

Recently I sent you my recommendation regarding City allocation of \$500,000 in anticipated funds from the 1986-87 Outstate Equity Program.

One part of my recommendation was that \$90,000 be allocated to cultural agencies that attract significant tourism to our community. I wrote that I later would recommend a formula regarding exactly how those funds should be allocated to specific community organizations.

Attached is that formula. It was prepared by the directors of seven of our strong cultural agencies. It represents an equitable distribution of the funds in a way that will maximize our tourism potential. It also represents an outstanding example of inter-agency cooperation.

The formula has been reviewed and approved by me, and I recommend it to you.

Staff from the involved agencies are prepared to meet with you at appropriate committee meetings.

Sincerely,

TERRY J. McKANE,
Mayor

Referred to the Committee on Physical Development and the Committee on Ways and Means.

DATE: 9/11/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Tax Abatement Application Review -
Olofsson Corporation.

The attached correspondence regarding Industrial Facilities Exemption Certificates for the Olofsson Corporation is submitted with my concurrence. I recommend that you review it and take the requested action as soon as reasonably possible.

Referred to the Committee on Economic Development.

DATE: 9/11/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Sale of Vacant Lot -
1625 Martin Street (NDA #4)

The attached correspondence is submitted with my concurrence. I recommend that you review it and take the requestion action as soon as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/11/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29,
December 1986 Tax Roll, \$3,484.21

The attached grass assessments are submitted with my concurrence. I recommend that you review them and take the requested action as soon as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the Grass Assessment in the amount of \$3,484.21 be placed on the December 1986 Tax Roll L-29.

Carried.

DATE: 9/11/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Title Search/Board-Ups
Assessment Y-1 (\$2,447.00)

The attached Assessments for the December 1986 Tax Roll are submitted with my concurrence. I recommend that you review then and take the suggested action as soon as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 9/9/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Title Search/Board-Ups
Assessment Y-1 (\$3,611.97)

The attached correspondence is submitted with my concurrence. I recommend that you review it and take the recommended action as soon as reasonably possible.

Referred to the Committee on Ways and Means.

September 10, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and Councilmembers:

The City of Lansing applied for funding in the amount of \$1,435.00 to the State Office of Services to the Aging for some equipment for the Miller Road Senior Center in April, 1986.

Recently, notification has been received that we have been awarded the amount requested. Attached is a suggested resolution for you adoption accepting these funds.

Thank you for your cooperation and assistance.

Sincerely,

TERRY J. MCKANE,
Mayor

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COUNCILMEMBER SCHMIDT—

RESOLUTION #0389

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing applied for funding for equipment for the Miller Road Senior Center from the State Office of Services to the Aging; and

Whereas, the amount of \$1,435.00 was applied for and awarded for the purchase of fifty (50) padded seat chairs, a 36 millimeter projector, a 19-inch television set and stand, a metal storage cabinet, and three (3) mini venetian blinds for the craft room;

Now, Therefore Be It Resolved by the City Council of the City of Lansing that the City of Lansing accepts these funds for equipment for the Miller Road Senior Center.

Adopted by the following vote:

Unanimously.

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0399

Resolved by the City Council of the City of Lansing:

That, the requests from Slammers, Inc., to transfer all stock interest in their 1986 B-Hotel License with Dance and Entertainment Permits by dropping Stockholder Ronald Thurmond through sale of his 1500.01 shares to new stockholder Donald L. Santacaterina, and to transfer class from B-Hotel to Class C, and to drop space located at 1000 Ramada Drive, Lansing, are hereby approved.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #03400

Whereas, the request of C. J. Barrymore's of Lansing, Inc. for transfer of ownership of 1986 Class "C" license with dance permit at 6810 S. Cedar St. from Long Development, Inc. and request for new entertainment permit to be held in conjunction, is hereby approved pending signatures from all necessary departments be obtained for final approval.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0401

Whereas, on July 12, 1982, the Lansing City Council issued a Commercial Facilities Exemption Certificate (CRD-12-80) to Lansingmark, Inc. at One Michigan Avenue; and

Whereas, the Chicago Dock and Canal Trust is acquiring this property and has applied for the transfer of this Commercial Facilities Exemption Certificate from Lansingmark, Inc.; and

Whereas, a hearing was held on The Chicago Dock and Canal Trust's application for an Exemption Certificate transfer on September 8, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, the Chicago Dock and Canal Trust has met or will meet the requirements for said Exemption Certificate transfer as required by Public Act 255 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing.

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the application from the Chicago Dock and Trust for the transfer of the Commercial Facilities Exemption Certificate in Lansing Commercial Redevelopment District CRD-12-80, from Lansingmark, Inc. to The Chicago Dock and Canal Trust.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0402

Whereas, on October 8, 1984, the Lansing City Council issued a Commercial Facilities Exemption Certificate for a new facility (CRD-13-80) to Grandview Plaza, at the southeast corner of East Michigan & South Grand Avenue; and

Whereas, Riverview Associates has applied for the transfer of this Commercial Facilities Exemption Certificate for a new facility from Grandview Plaza; and

Whereas, a hearing was held on the Riverview Associates' application for an Exemption Certificate for a new facility transfer on September 8, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Riverview Associates has met or will meet the requirements for said Exemption Certificate transfer as required by Public Act 255 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing.

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the application from Riverview Associates for the transfer of the Commercial Facilities Exemption Certificate for a new facility in Lansing Commercial Redevelopment District CRD-13-80, from Grandview Plaza to Riverview Associates.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt, and Worthington.

None.

ABSENT: Councilmember Belen and Lindemann.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0403

Whereas, on October 8, 1984, the Lansing City Council issued a Commercial Facilities Exemption Certificate for a renovation of the Existing Building into office/retail space (CRD-13-80) to Grandview Plaza, at the southeast corner of East Michigan & South Grand Avenue; and

Whereas, Riverview Associates has applied for the transfer of this Commercial Facilities Exemption Certificate for renovation of the existing building from Grandview Plaza; and

Whereas, a hearing was held on the Riverview Associates' application for an Exemption Certificate for renovation of the existing building transfer on September 8, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Riverview Associates has met or will meet

the requirements for said Exemption Certificate transfer as required by Public Act 255 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing.

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the application from Riverview Associates for the transfer of the Commercial Facilities Exemption Certificate for renovation of Existing building in Lansing Commercial Redevelopment District CRD-13-80, from Grandview Plaza to Riverview Associates.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt, Blair and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0404

RESOLUTION APPROVING PROJECT PLAN AND ISSUANCE OF BONDS (Michigan Products, Inc. Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7 o'clock p.m., Michigan Time, on September 15, 1986, at which the following member were present: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

and the following were absent: Councilmembers Belen and Lindemann.

The following preamble and resolution were offered by Councilmember Adado and supported by Councilmember Blair:

Whereas, this City Council has given notice pursuant to Section 17 of Act No. 338 of the Michigan Public Arts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2, of a public hearing which was held earlier on September 8, 1986 relative to (i) the Project Plan for the Michigan Products, Inc. Project (the "Project") of the Economic Development Corporation of the City of Lansing (the "Issuer") and (ii) the issuance of bonds by the Issuer to assist in the financing of the Project.

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and the issuance of bonds, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

Whereas, this City Council desires to express its approval of said Project Plan and the Project described therein and the issuance of bonds by the Issuer to assist in the financing of the Project, and wishes to request the Issuer to proceed with the Project and the financing thereof.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. It is hereby determined that the Project Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Project Plan is hereby approved in its entirety based on the following considerations:

(a) The Project Plan meets with requirements set forth in Section 8 of the Act.

(b) The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the Plan properly.

(c) The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.

(d) The Project is reasonable and necessary to carry out the purposes of the Act.

2. By adoption of this resolution approving the Project Plan this City Council intends to and hereby does approve the issuance, sale and delivery of not to exceed \$600,000 in aggregate principal amount of limited obligation economic development bonds described in the Project Plan as is required by the Tax Equity and Fiscal Responsibility Act of 1982, and Temporary Treasury Regulations Section 5f.103-2.

3. The Issuer is hereby requested to proceed with the Project and the financing thereof.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide three (3) certified copies to the Secretary of the Issuer.

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSTENTIONS: Councilmembers Belen and Lindemann.

Resolution Declared Adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting on the 15th day of September, 1986 and that the minutes of said meeting are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk

Councilmember Blair left the meeting.

The resolution from Committee on Public Safety and Properties regarding ACT-22-86, Hazel at Pennsylvania was referred back to the committee.

Resolution regarding Embassy Suites Project approving the publication of notices of intention to enter into a contract of lease with the Building Authority:

1. To issue bonds for the Conference Center.
2. To issue bonds for the Parking Ramp.
3. To issue bonds for the Public Site.

By COUNCILMEMBER ADADO—

I move that we table this resolution for 1 week for further study.

LOST by the following vote:

YEAS: Councilmember Adado—1.

NAYS: Councilmembers Benavides, Creamer, Schmidt and Worthington—4.

ABSENT: Councilmembers Belen, Lindemann and Blair—3.

Discussion Held.

By COUNCILMEMBER SCHMIDT—

I move that we send this resolution back to the Committee of the Whole.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

9/11/86

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0405

P-6-84
Lancen Village South #4
Final Plat Approval

Whereas, the final plat of Lancen Village South #4 Subdivision has been submitted for approval and

Whereas, the Planning Board has reviewed the final plat of Lancen Village South #4 Subdivision and found it to be in substantial conformance with the preliminary plat and recommended approval subject to conditions; and

Whereas, the Physical Development Committee of the City Council reviewed the report of the Planning Board and concur therewith;

Now, Therefore, Be It Resolved that the Council of the City of Lansing ordains that Lancen Village South #4 Subdivision be approved subject to the conditions outlined below.

1) That the final plat be developed with all public improvements, as required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

2) That all lots shall be graded so surface water will drain therefrom so as not to adversely affect adjacent properties.

3) That the developer utilize an underground electrical distribution system, as specified in Section 37-33.1 of the Lansing Subdivision Regulation.

4) That the necessary easements be provided for the installation of utilities.

5) That the pedestrian walkway be included as recommended.

6) That the requirements of all responding agencies be complied with.

7) That final security be posted in the amount specified by the Public Service Department and the Department of Parks and Recreation; and

Be it further resolved, that the City Clerk is directed to notify the proprietor(s) of the plat and the surveyor(s) of the land of this approval.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benevides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

9/11/86

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0406

P-8-79
Irish Gardens #2
Reinstate Final Plat

Whereas, final plat approval was granted for Irish Gardens Subdivision on August 24, 1981; and

Whereas, the proprietor subsequently chose to record and develop only the southern portion of the property, which was recorded in 1982; and

Whereas, final preliminary plat approval for the northern portion, Irish Gardens #2, has expired; and

Whereas, the applicant wishes to reinstate the final preliminary plat approval of Irish Gardens #2; and

Whereas, the Planning Division has reviewed the plans and found them to be in substantial conformance with the tentative preliminary approved plans; and

Whereas, the Committee on Physical Development has reviewed the report of the Planning Division and concurs therewith;

Now, Therefore, Be It Resolved that the Lansing City Council recertify the final preliminary plat of Irish Gardens Subdivision #2 subject to the conditions of the tentative preliminary approval; and

Be It Further Resolved that the Clerk be directed to notify the petitioner and the surveyor.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

9/11/86

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0407

P-3-83

Kahres Farm #2 Subdivision
Extension of Tentative Preliminary Plat

Whereas, the applicant, Walter Neller Enterprises, received tentative preliminary plat approval on December 5, 1983; and

Whereas, the applicant requested and was granted an extension of the tentative preliminary plat approval on August 29, 1985; and

Whereas, the applicant is now requesting final preliminary plat approval on Kahres Farm #2; and

Whereas, in accord with Section 37-8(5), the Planning Division has reviewed the final preliminary plat submission and has found it to be in substantial conformance with the tentative preliminary plat; and

Whereas, the Committee on Physical Development has reviewed the report of the Planning Division and concurs therein;

Now, Therefore, Be It Resolved that final preliminary plat approval be granted to Kahres Farm Subdivision #2 subject to the condition of the tentative preliminary plat; and

Be It Further Resolved that the Clerk be directed to notify the applicant and the surveyor of such action.

Adopted by the following vote;

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

9/8/86

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0408

P-6-81

Waverly Meadows extension of
Final Preliminary Plat

Whereas, the applicant proposed a plat on a thirty (30) acres parcel for development of 113 single family homes to be known as Waverly Meadows Subdivision P-6-81; and

Whereas, on June 27, 1983 the entire plat received

final preliminary plat approval subject to conditions; and

Whereas, Phase I (lots 1 through 29) of the plat received final plat approval May 14, 1984 and was recorded; and

Whereas the petitioner is requesting extension of the final preliminary plat approval over the balance of the plat (lots 30 through 113), in accord with Section 37-8(6); and

Whereas, the Planning Division has reviewed the plat status and recommends that an extension be approved; and

Whereas, the Physical Development Committee has reviewed the report of the Planning Division and concurs therewith;

Now, Therefore, Be It Resolved that the final preliminary plat approval for the balance of the Waverly Meadows Subdivision (lots 30 through 113) be extended for a period of two (2) years; and

Be It Further Resolved that the Clerk be directed to inform the petitioner of said action to extend the preliminary plat approval for P-6-81.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

9/11/86

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTIONS #0409

SLU-4-86

3605, 3611 and 3615 West Jolly Road

Whereas, Thomas Schroeder, representing the Kingdom Hall Church, has requested approval of a Special Land Use to expand the existing church located at 3611 West Jolly Road, including land located at 3605 and 3615 West Jolly Road, and more particularly described as:

The west 45 feet of Lot 39, the east 78 feet of Lot 39 and the west 66 feet of Lot 40, Maple Grove Farms #1, City of Lansing, Ingham County, Michigan; and

Whereas the Planning Board, at its meeting of July 29, 1986, recommended that the request be approved; and

Whereas, the Physical Development Committee of City Council has reviewed the report of the Planning Board and concurs therewith;

Now, Therefore, Be It Resolved that the Lansing City Council approves the Special Land Use Permit for church expansion at 3605, 3611 and 3615 West Jolly Road (case number SLU-4-86); and

Be It Further Resolved that the City Clerk be directed to notify the applicant of this action.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

INTRODUCTION OF ORDINANCES

The following ordinances of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

a. Z-19-86 — 1107, 1109 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District filed by Harry Taylor.

b. Z-20-86 — 1037 Lenore, 2001, 2009, 2011, 2015 and 2019 S. Logan Street to be rezoned from "B" Residential District to "J" Parking District filed by Rev. William Warren.

c. Z-21-86 — 3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District filed by James G. Bytwerk.

were introduced by Councilmember Creamer, read a first and second time by their titles and referred to the Committee on Physical Development.

By COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #0410

Resolved by the City Council of the City of Lansing:

That a public hearing by set for Monday, October 6, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the following rezoning petitions;

a. Z-19-86 — 1107, 1109, and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District.

b. Z-20-86 — 1037 Lenore, 2001, 2009, 2011, 2015 and 2019 S. Logan Street to be rezoned from "B" Residential District to "J" Parking District.

c. Z-21-86 — 3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Creamer, Schmidt and Worthington—5.

NAYS: None.

ABSENT: Councilmembers Belen, Blair and Lindemann—3.

ORDINANCES

By COUNCILMEMBER CREAMER —

The Committee reported that it had considered or-

dinances providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at;

a. Z-12-86 — 815 N. Seymour to be rezoned from "C" Residential District to "DM-1" Residential District.

b. Z-13-86 — 617/629 W. Saginaw and 614 N. Sycamore to be rezoned from "D-1" Professional Office, "E-2" Local Shopping and "DM-4" Residential District to "F" Commercial District.

c. Z-15-86 — 3605, 3611 and 3615 W. Jolly Rd. to be rezoned from "A" Residential and "J" Parking Districts to "B" Residential District.

d. Z-16-86 — 3016, 3020 and 3022 S. Cedar St. to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District.

e. Z-17-86 — 4510 S. Pennsylvania Ave. to be rezoned from "J" Parking District to "DM-1" Professional Office District.

and recommend that the ordinances be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-12-86—815 N. Seymour to be rezoned from "C" Residential District to "DM-1" Residential District be placed on order of immediate passage.

By COUNCILMAN CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-12-86—815 N. Seymour to be rezoned from "C" Residential District to "DM-1" Residential District by now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann—2.

ORDINANCE No. 2192

An Ordinance of the City of Lansing, Michigan,

providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the District maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-12-86, 815 North Seymour
Parcel Number: 3301-09-379-141
Legal Description: Lot #4, Block 49, Original Plat, City of Lansing, Ingham County, Michigan

From "C" Residential District to "DM-1" Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-13-86—617/629 W. Saginaw and 614 N. Sycamore to be rezoned from "D-1" Professional Office, "E-2" Local Shopping and "D-4" Residential Districts to "F" Commercial District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.
Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-13-86—617/629 W. Saginaw and 614 N. Sycamore be rezoned from "D-1" Professional Office, "E-2" Local Shopping and "D-4" Residential Districts to "F" Commercial District be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair Creamer, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann—2.

ORDINANCE No. 2193

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the District Maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-13-86, 617/629 West Saginaw and 614 North Sycamore

Parcel Number: 3301-16-102-151, 3301-16-102-001, 3301-16-102-011.

Legal Description: Lots 7 and 8, Block 59, Original Plat, City of Lansing, Ingham County, Michigan

From "D-1" Professional Office, "E-2" Local Shopping and "DM-4" Residential Districts to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless give immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-15-85—3605, 3611, and 3615 W. Jolly Rd. to be rezoned for "A" Residential and "J" Parking District to "B" Residential District, be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.
Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-15-86—3605, 3611 and 3615 West Jolly Road to be rezoned from "A" Residential and "J" Parking Districts to "B" Residential District, be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

ORDINANCE No. 2194

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of real property located in the City of Lansing, Michigan, and for the revision of the District Maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-15-86, 3605, 3611, 3615 West Jolly Road.

Parcel Number: 3305-06-101-175, 3305-06-101-181, 3305-06-101-191.

Legal Description: West 45 feet of Lot 39, the east 78 feet of Lot 39, and the west 66 feet of Lot 40, Maple Grove Farms #1, City of Lansing, Ingham County, Michigan

From "A" Residential and "J" Parking Districts to "B" Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER —

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z16-86 —3016, 3020 and 3022 S. Cedar St. to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District to placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER —

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the District maps adopted by Section 36-6 of the Code for property located at Z-16-86—3016, 3020 and 3022 S. Cedar St. to be rezoned from "A" Residential and "F" Commercial Districts to "F" Commercial District be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

ORDINANCE No. 2195

An Ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-16-86, 3016, 3020 and 3022 South Cedar Street

Parcel Number: 3301-28-406-221, 3301-28-406-231, 3301-28-406-241.

Legal Description: Lots 1, 2, 3 and the north 4 feet of Lot 4, plat of Reo Gardens Subdivision, of a part of the west ½ of the southeast ¼ of Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan

From "A" Residential and "F" Commercial District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-17-86—4510 S. Pennsylvania Ave. to be rezoned from "J" Parking District to "D-1" Professional Office District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinance, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-17-86—4510 S. Pennsylvania Ave. to be rezoned from "J" Parking District to "D-1" Professional Office district be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Schmidt and Worthington.

NAYS: None.

ABSENT: Councilmembers Belen and Lindemann.

ORDINANCE No. 2196

An Ordinance of the City of Lansing, Michigan providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code of Ordinances.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-17-86, 4510 South Pennsylvania Avenue

Parcel Number: 3301-34-306-009

Legal Description: The west 150 feet of the property beginning on the west right-of-way line of Pennsylvania Avenue 57.75 feet from the centerline thereof, at a point 689.2 feet south of the east/west ¼ line of Section 34, running thence south 256.6 feet on the west line of Pennsylvania Avenue; thence westerly 296.67 feet parallel with the east/west ¼ line; thence north 256.6 feet parallel with Pennsylvania Avenue; thence easterly 296.67 feet to point of beginning, Section 34, T4N, R2W, City of Lansing, Ingham County, Michigan.

From "J" Parking District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions thereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting a letter from the Lansing Civic Players Guild, Inc. regarding Equity Funding in the City of Lansing.

Referred to the Committee on Ways and Means and the Committee on Physical Development.

By COUNCILMEMBER SCHMIDT—

Resolved by the City Council of the City of Lansing that Councilmembers Belen and Lindemann be excused from the session:

Carried.

REMARKS OF MAYOR

Mayor McKane spoke regarding Lansing Building Permit Values as rated by Dunn and Bradstreet.

REMARKS OF COUNCILMEMBERS

Councilmember Blair spoke regarding the Housing Ordinance.

Councilmember Adado spoke regarding a Leash Law Ordinance for animals.

Councilmember Schmidt spoke regarding the traffic light by the Gardner Jr. High School.

Councilmember Blair commented on ways Lansing could give assistance to our neighbors North of Lansing which were flooded this past week.

Councilmember Creamer asked for a study of traffic problem in the area of Sparrow Ave. due to parents dropping children off to school and the poor visibility due to parking allowed on one side of street and the street is narrow.

Douglas Platt, 1611 Cooper Street spoke regarding problems with driving in downtown Lansing due to so many construction areas. Also remarked on problems of obtaining a tree to be planted in front of his house.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned:

Carried:

Council adjourned at 10:00 P.M.

RITA M. BAUMAN,
City Clerk.

Lansing, Michigan.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, September 22, 1986

CITY COUNCIL

Lansing, Michigan

September 22, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington

Absent: Councilmember Adado

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen

Pledge of Allegiance.

PUBLIC HEARING

September 22, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Grandview Plaza Project and Issuance of Limited Obligation Revenue Bonds.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Grandview Plaza Project they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Howard Jones, 426 W. Barnes, CDC#4 member, spoke on resolution #4. He spoke in support of the planned residential development on Todd Avenue.

Al LeBlanc, 2021 Cumberland Road, spoke regarding the proposed resolution urging the Board of Water and Light to use procedure of "Commodity used" in their billing rates.

Dick Baker spoke in favor of the proposed resolution regarding the Board of Water and Light billing rates.

Helen LeBlanc, 2021 Cumberland Road, spoke in favor

of the proposed resolution regarding "Commodity Used" for the Board of Water and Light billing rates.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers - Darrell L. Parker, Mark Monroe, Cynthia A. Coon, Lisa L. Shepard, Frank A. Butler, Jr.

Rubbish Hauler - William V. Amon

Cabaret - Harley Hotel of Lansing

Beer and Wine Carry-Out - Muir's (Jolly Road)

Referred to the Committee on General Services

Suits filed by:

a. Amar Gupta v City of Lansing, The Lansing City Council, The Building Safety Division of the City of Lansing in regard to demolition of property at 924 Center Street.

b. The Citizens Committee, composed of neighboring property owners; Michigan United Conservation Clubs, a Michigan non-profit Corporation, individual property owner and member of Committee; Allan Falk, individual property owner and member of Committee v City of Lansing, a municipal corporation, Art Boldt, David McCardel, Mary McCardel, and John Doe, a Michigan limited partnership of Order to Show Cause and Temporary Restraining Order regarding property located at 1903 Wood and 1804 David Street.

c. Jesse Wade v Ingham County Sheriff's Dept., City of Lansing, Deputy Joseph Golden, Deputy J. Miller, Deputy Reich and Deputy Getts for injuries received in elevator while being transported to court.

Referred to the City Attorney

Claims filed by:

a. M. Stier, 1217 Loraine, for reimbursement of sewer cleaning due to city rope in the line.

b. Vernon Hill, 2607 Dunlap Street, for automobile damaged from hitting a pot hole on Case Street.

Referred to the City Attorney

Petitions filed for rezonings:

Z-26-86 - 1015 McKim Avenue, described as the west 50' of lots 44 and 45 and the south 5.5 ft. of the west 50

ft. of Lot 46, Assessor's Plat #44, City of Lansing, Ingham Co., Michigan, to be rezoned from "A" Residential District to "J" Parking District filed by Calvary United Methodist Church.

Z-28-86 - 509, 513, 519, 523 and 527 West Willow; 1216 and 1224 N. Pine and 1221 N. Chestnut, described as Lots 1, 2, 3, 10, 11 and 12 except the east 55 feet of lots 1 and 2 Block A Sub. of blocks 26 and 27 original plat, town of Michigan, now City of Lansing, T4N, R2W, Ingham County, Michigan, to be rezoned from "C" Residential District to "D-1" Professional Office District filed by Consumers Power Credit Union.

Referred to the Mayor and Planning Board

Letter from William R. Backus regarding public driver license.

Referred to the City Attorney

The Cherry Hill Development Committee submits request for funds when NDA #4 is phased out.

Referred to the Mayor and the Committee on Physical Development

Letters regarding the Embassy Suite proposal submitted by:

- a. Lansing Regional Chamber of Commerce
- b. E. Jane and D. Michael Dudley

Received and Placed on File

Richard E. Christmas, 1735 Boston Blvd., requests support for naming "Space Exploration Day."

Referred to the Mayor

MAYOR'S EXECUTIVE ASSISTANT COMMENTS ON ANY ITEM ON THE AGENDA:

Mr. Boyd spoke regarding Mayor's letters 3b (Chestnut Street Clean-up); 3c (Request for replacement tree at 1611 Cooper) and 3d (Concerns expressed by residents in the Baker Street area).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES--

Approves the following licenses and bonds:

Public Drivers - Darrell L. Parker, Mark Monroe, Cynthia A. Coon, Lisa L. Shepard, Frank A. Butler, Jr.,

Rubbish Hauler License - William V. Amon

Cabaret - Harley Hotel of Lansing

Wrecker Service - Michigan Auctions, Inc.

Beer and Wine Carry-Out - Muir's (Jolly Road)

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON--

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES--

To whom was referred the Internal Audit Department's request for permission to proceed with a final audit and inventory of Civic Center assets.

Reports As Follows: The Internal Audit Department is hereby authorized to proceed with a final audit and inventory of Civic Center assets. The Mayor is requested to cooperate with the Internal Audit staff during the performance of this assignment.

Signed:

JAMES D. BLAIR
TONY BENAVIDES
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR--

That the report of the Committee be adopted.

Carries.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES--

To whom was referred the report from the Mayor and Planning Board on ACT-4-86, South Side of the 800 Block of Armstrong Road.

Reports As Follows: The Mayor and Planning Board have recommended denial of a citizen request to use the public right-of-way on the south side of the 800 Block of Armstrong Road for a privately-owned and maintained bus shelter. Study of the proposal showed that the bus shelter would be in an inappropriate location, would be too small to accommodate all of the children at the bus stop, would create additional City liability unnecessarily, negatively impact the aesthetic environment, increase the potential for car/pedestrian and car/car accidents, make snow removal more difficult, and would be unnecessary according to the Lansing School District. The Committee concurs with the recommendation from the Mayor and Planning Board to deny the request.

Signed:

JAMES D. BLAIR
TONY BENAVIDES
Committee on Public Safety and Properties

By COUNCILMEMBER BLAIR--

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

President Benavides and
Members of City Council

RE: Redemption of Liability in Worker's Compensation Matter:
Bottemer v City of Lansing, et al

Dear President Benavides and
Members of Lansing City Council:

Article IV, Chapter 2, Section 4-304.7 of the Lansing City Charter states that no civil litigation may be settled without the recommendation of the City Attorney and the consent of the City Council. Therefore, upon the recommendation of this office, your consent is requested to redeem the above matter for \$500.00.

Plaintiff, Ronald Bottemer, whose date of birth is February 13, 1934, worked for the City in the CETA program as a temporary full-time laborer in the Parks and Recreation Department from June 12, 1978 to August 29, 1978. Prior to this time he worked for the State of Michigan in the Department of Treasury and the State Department. After leaving State employment, he worked for various employers including the City of Lansing.

Mr. Bottemer filed a Worker's Compensation disability claim for mental/emotional disfunction due to "harassment, demands and pressure" on the job against the State of Michigan on several occasions through various attorneys and then withdrew the claim. Most recently on September 12, 1983, he filed again against the State of Michigan, Department of Treasury, which brought the City of Lansing into the litigation on July 29, 1985. Other employer defendants were brought at a later date.

Several psychiatrists were deposed in the course of this litigation, and all the medical evidence seems to point to the State of Michigan as the most likely responsible party if only one were to be found.

The case was most recently scheduled for trial on September 23, 1986 after several adjourned dates. Immediately prior to this latest trial, all of the parties, including six defendants which includes the City, tentatively settled this matter for \$15,000.00. The City's share toward settlement would total \$500.00. The State of Michigan will contribute \$12,400.00 and the balance by the other 5 defendants. Three of the other defendants, contributing \$500.00, employed the Plaintiff for a very short period of time. One company employed him for 1 or 2 days, another for 3 Saturdays.

This matter has tentatively been scheduled for a redemption hearing on October 2, 1986 at 9:00 a.m. In order to finally close this case and to avoid any further cost of litigation, it is the recommendation of this office that the City Council approve that this matter against the City be settled for \$500.00.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this matter be settled in the amount of \$500.00.

Carried.

President Benavides and
Members of City Council

RE: Claim of Richard Springs in the Amount of \$150.00

Dear President Benavides and
Members of Lansing City Council:

Claimant requests removal of a \$150.00 assessment from the real property tax roll for 210 South Butler Blvd., Lansing. The assessment was placed on the rolls August 11, 1986.

City investigation of the claim discloses that the assessment was placed on the real property pursuant to City Code, Section 21-12 because the vegetation on the property exceeded twelve (12) inches in height, and the City contracted for its removal. Although the Lansing ordinance does not require that the owner, i.e., taxpayer, be provided a notice of the violation and be given an opportunity to correct it, the City uniformly gives such notice before it arranges for cleanup of the property with the cost thereof being assessed against the property.

In this case, notice was properly sent June 6, 1986 to the tax owner of record as is customary. The notice stated that assessment would be made against the property if the problem was not corrected within ten (10) days. Notice was sent to Timothy and Nancy K. McLaughlin.

Claimant's letter states that he has owned the property since June 9, 1986, three (3) days after the notice was mailed. The grass was cut by the contractor July 21, 1986 and the claim received July 22, 1986. It is presumed from this sequence that the taxpayers did not notify Mr. Springs of the City's violation letter.

For the reason that the City provided proper notice to the taxpayer of record, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

President Benavides and
Members of City Council:

RE: Claim of John Wayne Livernois

Dear President Benavides and
Members of Lansing City Council:

On June 30, 1986, John Wayne Livernois, P.O. Box 27556, Lansing, filed a claim for damage to the paint finish on his car allegedly due to sandblasting of an overhead crosswalk at a school crossing on South Logan Street on May 21, 1986.

This case was investigated by the Public Service Department which reported that the work was under contract with Corrosion Castings, Inc., 17821 St. Mary, Mt. Clemens, Michigan. The claim has been forwarded to that contractor for resolution. No further action need be taken by the Council at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action needs to be taken at this time.

Carried.

September 17, 1986

President Benavides and
Members of City Council

Dear Councilmembers:

Attached herewith are applications for Public Drivers License for William Ray Backus and Russell J. Sterenberg which were returned unsigned from the Lansing Police Department. They do not recommend licenses under Section 33-28 (b)(3)(d).

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services

September 18, 1986

President Benavides and
Members of City Council

Dear President Benavides and
Members of Lansing City Council:

Attached herewith is an Affidavit of Disclosure submitted by Councilmember James D. Blair. This is filed pursuant to the requirements of subsection 5-505.1 of the Lansing City Charter.

Sincerely,

RITA M. BAUMAN
City Clerk

Received and Placed on File

September 18, 1986

President Benavides and
Members of City Council

Dear President Benavides and Councilmembers:

Following is information regarding aspects of the smoking restriction resolution that you passed on April 14, 1986.

Letter: In an effort to encourage the private sector to comply with your resolution, I sent a letter to City: (1) restaurants (from an Ingham County Health Department list), and (2) businesses (from a Chamber of Commerce list). I have attached a copy of that letter for your information.

Certificate: Also attached is a "Certificate of Appreciation." I sent six of these to businesses that requested them (and that stated they were in compliance with your resolution).

Complaints: I have discussed complaints with my staff. They recollect that we received approximately three right after you passed your resolution. We worked to resolve these.

I also received several letters - as I know you did - that stated the resolution was an unnecessary intrusion into private business.

Personnel Rules: As you know, our Personnel Department has been understaffed over the summer. However, the Director has obtained information on smoking from other agencies and is reviewing it. She plans to include a section on smokers' rights and responsibilities in an upcoming personnel rules revision.

City Hall: Our Administrative Services Director and staff worked with the departments to regulate smoking in City Hall. We still are working to resolve a couple of difficult situations. Staff will be available to discuss these and any other related matters - with you.

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee on General Services

DATE: 9/17/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Chestnut street clean-up

The attached correspondence is submitted for your information.

Received and Placed on File

DATE: 9/17/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for replacement tree at 1611 Cooper

The attached correspondence is submitted for your information.

Referred to the Committee on Public Safety and Properties

DATE: 9/17/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Concerns expressed by residents in the Baker Street area

The attached correspondence is submitted for your information.

Received and Placed on File

DATE: 9/18/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Recommendation re: Placement of Rail Within Museum Drive

The attached recommendation regarding the placement of rail within Museum Drive has been prepared by Howard McCaffery and is submitted with my concurrence. I recommend that you review it and take the appropriate action as soon as reasonably possible.

Referred to the Committee on Public Safety and Properties

DATE: 9/18/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash in R.O.W. Removal Assessments for December, 1986 (V-13), \$3,444.95.

The attached tax assessments for trash in right-of-way are submitted with my concurrence. I recommend that you review these assessments and take the requested action as soon as reasonably possible.

By COUNCILMEMBER LINDEMANN—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessments in the amount of \$3,444.95 be placed on the December, 1986 (V-13) tax roll.

Carried.

DATE: 9/12/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31 (\$14,416.25)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the Trash Assessment in the amount of \$14,416.25 be placed on the December 1986 Tax Roll No. U-31.

Carried.

DATE: 9/17/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached budget transfers are submitted with my concurrence. I recommend that you review these requests and take appropriate action as soon as possible.

Referred to the Committee on Ways and Means

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0411

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 306 E. Lenawee legally described as:

306 East Lenawee, W. 57 ft. of N. 8 rods, Lot 5 Block 152 of the Original Plan

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the

Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on June 26, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on September 15, 1986 to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, therefore, be it resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be it further resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be it further resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be it finally resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington.

Nays: None

Absent: Councilmember Adado

By THE COMMITTEE ON GENERAL SERVICES—
RESOLUTION #0412

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1017 W. Hillsdale legally described as:

1017 West Hillsdale, W. 1/2 of Lot 8, Block 7, Bush Butler and Sparrows Addition

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on June 26, 1986 at which the Hearing Officers deter-

mined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and ordered with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on September 15, 1986 to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, therefore, be it resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be it further resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise made safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be it further resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be it finally resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington

Nays: None

Absent: Councilmember Adado

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0413

Whereas, the Lansing City Council has established a Lansing Commercial Redevelopment District CRD-10-79, at 405 S. Grand Avenue and has issued a Commercial Facilities Exemption Certificate for a Project at that site to Martin Investment Properties, Inc.; and

Whereas, Art C. Baryames has applied for the transfer of this Commercial Facilities Exemption Certificate at 405 S. Grand Avenue; and

Whereas, it is necessary to hold a public hearing prior to this council's taking action on Art C. Baryames' application for the transfer of the Commercial Facilities Exemption Certificate.

Now, therefore, be it resolved that the City Clerk give at least ten (10) days notice of a public hearing when all

persons interested may attend and make any objection they may have to the transfer to the Certificate; and

Be it further resolved that the City Council notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Commercial Redevelopment District CRD-10-79; and

Be it finally resolved that such hearing shall be held at the Council Chambers on the tenth (10th) floor of Lansing City Hall on Monday, October 13, 1986 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington

Nays: None

Absent: Councilmember Adado

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0414

Act-22-86

Hazel at Pennsylvania

Whereas, Chris Baryames of 1040 South Pennsylvania has requested the City to vacate a portion of the Hazel Street right-of-way currently used for parking at Sparky's Restaurant; and

Whereas, the Planning Board reviewed this request under the provisions of ACT 285 of 1931, and determined that the right-of-way of Hazel Street should be retained by the City, but that the subject right-of-way could be leased to Mr. Baryames for continuing its use as a parking lot; and

Whereas, the Council Committee on Public Safety and Properties has reviewed the recommendations of the Planning Board and concurs in the leasing of the right-of-way to Mr. Baryames; and

Now, therefore be it resolved that the City Council approves the retention of the Hazel Street right-of-way for future public use.

And further be it resolved that the Administration is directed to prepare the appropriate lease document and execute such lease with Mr. Baryames at 1040 South Pennsylvania.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington.

Nays: None

Absent: Councilmember Adado

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0415

PRD-1-86

1800 Block of Todd Avenue

Whereas Don Meade has made application for a Planned Residential Development (PRD) on a one (1) acre site located in the 1800 block of Todd Avenue, south

of the Fire Station; more particularly described as:

Lots 8, 9, 10 and 11, except the easterly 25.75 feet of Lots 10 and 11, Block 19, Park Place, part of the southwest 1/4 of Section 21, T4N, R2W, City of Lansing, Ingham County, Michigan; and

Whereas the proposed development consists of a twelve (12) unit two and one-half (2 1/2) story apartment building. Twenty-four (24) parking spaces will be provided on site and access to the parking lot will be restricted onto Mt. Hope Avenue. Carports will be located on the north and east sides of the parking lot, enclosing twelve of the 24 parking spaces. All apartment units will have two bedrooms. Net density of the development will be 13.3 units per acre.

Copies of utility and public safety agency requirements, as well as a copy of the approved site plan, are on file in the Planning Division office (file PRD-1-86); and

Whereas the Planning Board examined the development plan and was satisfied that the proposed development is arranged in such a way to minimize effects on the surrounding neighborhood and all the requirements of the Zoning Ordinance will be met and further found that the proposal is in substantial conformance with the Southwest Master Plan and, therefore, recommend approval;

Now, therefore, be it resolved that the Lansing City Council approves this application for a Planned Residential Development subject to the requirements of utility and public safety agencies.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Lindemann, Schmidt and Worthington (6)

Nays: Councilmember Creamer (1)

Absent: Councilmember Adado

By COUNCILMEMBER CREAMER—

That Councilmember Blair be excused from voting on these resolutions.

Carried.

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT AND NOTICE

CONFERENCE CENTER PROJECT—

RESOLUTION #4016

Whereas, there exists in and for the City of Lansing, Michigan (the "City") an imperative need to acquire, construct and equip a new Conference Center and acquire the site therefor (the "Conference Center Project") as more particularly set forth in the attached Full Faith and Credit General Obligation Contract of Lease (the "Conference Center Contract"); and

Whereas, plans and estimates of cost for said Project have been prepared, which said plans and estimates of cost have been reviewed by this Council; and

Whereas, this Council has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to acquire, construct and equip said Project for the use of the City in accordance with said plans and estimates of costs; and

Whereas, Act 31, Public Acts of Michigan, 1948 (First

Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition and financing of such Project; and

Whereas, the City, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and Amendments thereto, and has established the City of Lansing Building Authority (the "Authority"), with full powers to acquire, construct and equip such Project; and

Whereas, this Council determines it to be in the best interest of the City to acquire, construct, equip, and finance said Project through the Authority in accordance with the provisions of said Act 31, as amended; and

Whereas, the Conference Center Contract between the City and the Authority providing for the acquisition, construction, equipping and financing of said Project and such matters are as deemed necessary thereto has been prepared.

Now, therefore, be it resolved that:

1. This Council hereby determines it to be necessary for the public health, safety and welfare of the City to acquire the Project as set forth in the Contract on file with the City Clerk for the use of the City.

2. This Council deems it to be in the best interest of the City to finance the cost of such Project through the Authority in accordance with the provisions of the aforesaid Act 31, as amended.

3. This Council hereby approves the estimates of cost of said Project as prepared to date.

4. This Council hereby approves the Contract on file with the City Clerk for the acquisition, construction, equipping and financing of said Project.

5. The Notice of Intention of Entering into Contract of Lease for the Project as hereto attached shall be published in The Lansing State Journal, of Lansing, Michigan, promptly upon adoption of this resolution, said Notice to appear as display advertisements at least one-quarter (1/4) page in size.

6. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of forty-five (45) days following the date of publication of the aforesaid Notice, unless, under the provisions of Section 8(b) of said Act 31, as amended, the effectiveness of the Contract in whole or in part is stayed by reason of the filing of a petition for referendum thereon and the resultant necessity of prior approval thereof by the qualified electors of the City. This Council does hereby determine that the designated newspaper is the newspaper circulating in the City of Lansing which reaches the largest number of persons to whom the aforesaid Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the aforesaid Project and the financing thereof. A copy of the Contract shall be placed on file in the office of the City Clerk and shall be available for public examination.

7. This Council does hereby ratify and confirm its covenants in the aforesaid Contract to levy ad valorem taxes against all taxable property in the City to the extent necessary to fulfill the full faith and credit general obligation pledges of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under said

Contract shall, however, be subject to statutory, charter and constitutional limitations.

8. The Director of Finance of the City is authorized to notify Treasury of the Authority's intent to issue bonds to finance the Project, to execute the Notice of Intent form required by Treasury, to request an order providing an exception for the bonds from prior approval by Treasury, and to execute and deliver other documents as may be required by Treasury in connection with such order.

9. The City hereby agrees to file with Treasury the documents required by Section 10(1) of Chapter III of Act 202.

10. In the event the State Treasurer of the State of Michigan issues an Order denying an exception from prior approval, the Director of Finance of the City is authorized to submit an application for prior approval to Treasury and to execute and deliver any documents as may be required by Treasury in connection therewith.

11. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

NOTICE OF INTENTION OF ENTERING INTO TAX-SUPPORTED CONTRACT OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON

CONFERENCE CENTER PROJECT

To the Taxpayers and Electors of the City of Lansing,
Michigan:

Please take notice that the City of Lansing has approved and executed a Full Faith and Credit General Obligation Contract of Lease with the City of Lansing Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract provides, among other things, that said Building Authority will acquire, construct and equip a new Conference Center and acquire the site therefor (the "Project") for the City and will issue its bonds to finance the estimated cost of the same and financing costs incident thereto including the capitalization of interest in the principal amount of not to exceed \$6,500,000. Said bonds will mature serially from 1990 to 2009, inclusive, and will bear interest not exceeding 18% per annum on the outstanding principal balance, to be determined upon the sale of bonds by the Building Authority.

The Contract further provides that the City will lease said Project and site from said Building Authority all sums necessary to retire the principal of and interest on said bonds, together with all costs of operating and maintaining said project and all costs of said Building Authority in connection therewith, regardless of whether the Project is completed or is tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City debt limitations, and said principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the Project.

CITY'S CONTRACT OBLIGATION

BY VIRTUE OF SAID CONTRACT AND ACT, ALL OF THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE

PROPERTY WITHIN ITS BOUNDARIES TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE. SUCH LEVY, HOWEVER, MUST BE WITHIN EXISTING STATUTORY, CHARTER AND CONSTITUTIONAL LIMITATIONS.

REFERENDUM RIGHTS

SAID CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY UPON THE EXPIRATION OF 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE. UNLESS A PETITION REQUESTING AN ELECTION OF THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN SAID PERIOD. If such petition is so filed, said Contract shall not be effective without an approving vote by a majority of electors of the City voting on the question. Upon such vote, however, any taxes levied to pay bond obligations may be without limitation as to rate or amount.

This Notice is given pursuant to the requirements of Section 8(b) of the aforesaid Act 31, as amended. Further information concerning the details of said Contract, the Project being financed and the matters set out in this Notice may be secured from the City Clerk's office. A copy of said Contract is on file in the office of the City Clerk for public inspection.

RITA M. BAUMAN

City Clerk, City of Lansing

I hereby certify that the foregoing is a true and complete copy of a resolution by the City Council of the City of Lansing, Ingham and Eaton Counties, Michigan, at a regular meeting held on September 22, 1986, at 7:00 o'clock p.m., Eastern Daylight Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington; that the following Members were absent: Councilmember Adado.

I further certify that Member Schmidt moved for adoption of said resolution and that Councilmember Belen supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington; and that the following Members voted against adoption of said resolution: Councilmember Lindemann. Councilmember Blair abstained from Voting.

RITA M. BAUMAN

City Clerk

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT AND NOTICE—

PARKING RAMP PROJECT

RESOLUTION #0417

Whereas, there exists in and for the City of Lansing,

Michigan (the "City") an imperative need to acquire, construct and equip a new Parking Ramp and acquire the site therefor (the "Parking Ramp Project") as more particularly set forth in the attached Full Faith and Credit General Obligation Contract of Lease (the "Parking Ramp Contract"); and

Whereas, plans and estimates of cost for said Project have been prepared, which said plans and estimates of cost have been reviewed by this Council; and

Whereas, this Council has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to acquire, construct and equip said Project for the use of the City in accordance with said plans and estimates of costs; and

Whereas, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition and financing of such Project; and

Whereas, the City, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and Amendments thereto, and has established the City of Lansing Building Authority (the "Authority"), with full powers to acquire, construct and equip such Project; and

Whereas, this Council determines it to be in the best interest of the City to acquire, construct, equip, and finance said Project through the Authority in accordance with the provisions of said Act 31, as amended; and

Whereas, the Parking Ramp Contract between the City and the Authority providing for the acquisition, construction, equipping and financing of said Project and such matters as are deemed necessary thereto has been prepared.

Now, therefore, be it resolved that:

1. This Council hereby determines it to be necessary for the public health, safety and welfare of the City to acquire the Project as set forth in the Contract on file with the City Clerk for the use of the City.

2. This Council deems it to be in the best interest of the City to finance the cost of such Project through the Authority in accordance with the provisions of the aforesaid Act 31, as amended.

3. This Council hereby approves the estimates of cost of said Project as prepared to date.

4. This Council hereby approves the Contract on file with the City Clerk for the acquisition, construction, equipping and financing of said Project.

5. The Notice of Intention of Entering into Contract of Lease for the Project as hereto attached shall be published in The Lansing State Journal, of Lansing, Michigan, promptly upon adoption of this resolution, said Notice to appear as display advertisements at least one-quarter (1/4) page in size.

6. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of forty-five (45) days following the date of publication of the aforesaid Notice, unless, under the provisions of Section 8(b) of said Act 31, as amended, the effectiveness of the Contract in whole or in part is stayed by reason of the filing of a petition for referendum thereon and the resultant necessity of prior approval thereof by the qualified electors of the City. This Council does hereby determine that the des-

ignated newspaper is the newspaper circulating in the City of Lansing which reaches the largest number of persons to whom the aforesaid Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the aforesaid Project and the financing thereof. A copy of the Contract shall be placed on file in the office of the City Clerk and shall be available for public examination.

7. This Council does hereby ratify and confirm its covenants in the aforesaid Contract to levy ad valorem taxes against all taxable property in the City to the extent necessary to fulfill the full faith and credit general obligation pledges of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under said Contract shall, however, be subject to charter, statutory and constitutional limitations.

8. The Director of Finance of the City is authorized to notify Treasury of the Authority's intent to issue bonds to finance the Project, to execute the Notice of Intent form required by Treasury, to request an order providing an exception for the bonds from prior approval by Treasury, and to execute and deliver other documents as may be required by Treasury in connection with such order.

9. The City hereby agrees to file with Treasury the documents required by Section 10(1) of Chapter III of Act 202.

10. In the event the State Treasurer of the State of Michigan issues an Order denying an exception from prior approval, the Director of Finance of the City is authorized to submit an application for prior approval to Treasury and to execute and deliver any documents as may be required by Treasury in connection therewith.

11. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

NOTICE OF INTENTION OF ENTERING INTO TAX-SUPPORTED CONTRACT OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON

PARKING RAMP PROJECT

To the Taxpayers and Electors of the City of Lansing,
Michigan:

Please take notice that the City of Lansing has approved and executed a Full Faith and Credit General Obligation Contract of Lease with the City of Lansing Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract provides, among other things, that said Building Authority will acquire, construct and equip a new Parking Ramp and acquire the site therefor (the "Project") for the City and will issue its bonds to finance the estimated cost of the same and financing costs incident thereto including the capitalization of interest in the principal amount of not to exceed \$4,800,000. Said bonds will mature serially from 1988 to 2006, inclusive, and will bear interest not exceeding 18% per annum on the outstanding principal balance, to be determined upon the sale of bonds by the Building Authority.

The Contract further provides that the City will lease said Project and site from said Building Authority all sums necessary to retire the principal of and interest on said bonds, together with all costs of operating and maintaining said project and all costs of said Building Authority in connection therewith, regardless of whether the

Project is completed or is tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City debt limitations, and said principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the Project.

CITY'S CONTRACT OBLIGATION

BY VIRTUE OF SAID CONTRACT AND ACT, ALL OF THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE. SUCH LEVY, HOWEVER, MUST BE WITHIN EXISTING STATUTORY, CHARTER AND CONSTITUTIONAL LIMITATIONS.

REFERENDUM RIGHTS

SAID CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY UPON THE EXPIRATION OF 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A PETITION REQUESTING AN ELECTION OF THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN SAID PERIOD. If such petition is so filed, said Contract shall not be effective without an approving vote by a majority of electors of the City voting on the question. Upon such vote, however, any taxes levied to pay bond obligations may be without limitation as to rate or amount.

This Notice is given pursuant to the requirements of Section 8(b) of the aforesaid Act 31, as amended. Further information concerning the details of said Contract, the Project being financed and the matters set out in this Notice may be secured from the City Clerk's office. A copy of said Contract is on file in the office of the City Clerk for public inspection.

RITA M. BAUMAN
City Clerk, City of Lansing

I hereby certify that the foregoing is a true and complete copy of a resolution by the City Council of the City of Lansing, Ingham and Eaton Counties, Michigan, at a regular meeting held on September 22, 1986, at 7:00 o'clock p.m., Eastern Daylight Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington; that the following Members were absent: Councilmember Adado.

I further certify that Member Schmidt moved for adoption of said resolution and that Councilmember Belen supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Belen,

Benavides, Creamer, Schmidt and Worthington; and that the following Members voted against adoption of said resolution: Councilmember Lindemann. Councilmember Blair abstained from voting.

RITA M. BAUMAN
City Clerk

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT AND NOTICE—

URBAN PLAZA PROJECT—

RESOLUTION #0418

Whereas, there exists in and for the City of Lansing, Michigan (the "City") an imperative need to acquire, construct and equip a new Urban Plaza and acquire the site therefor (the "Urban Plaza Project") as more particularly set forth in the attached Full Faith and Credit General Obligation Contract of Lease (the "Urban Plaza Contract"); and

Whereas, plans and estimates of cost for said Project have been prepared, which said plans and estimates of cost have been reviewed by this Council; and

Whereas, this Council has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to acquire, construct and equip said Project for the use of the City in accordance with said plans and estimates of costs; and

Whereas, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition and financing of such Project; and

Whereas, the City, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and Amendments thereto, and has established the City of Lansing Building Authority (the "Authority"), with full powers to acquire, construct and equip such Project; and

Whereas, this Council determines it to be in the best interest of the City to acquire, construct, equip, and finance said Project through the Authority in accordance with the provisions of said Act 31, as amended; and

Whereas, the Conference Center Contract between the City and the Authority providing for the acquisition, construction, equipping and financing of said Project and such matters are as deemed necessary thereto has been prepared.

Now, therefore, be it resolved that:

1. This Council hereby determines it to be necessary for the public health, safety and welfare of the City to acquire the Project as set forth in the Contract on file with the City Clerk for the use of the City.

2. This Council deems it to be in the best interest of the City to finance the cost of such Project through the Authority in accordance with the provisions of the aforesaid Act 31, as amended.

3. This Council hereby approves the estimates of cost of said Project as prepared to date.

4. This Council hereby approves the Contract on file with the City Clerk for the acquisition, construction, equipping and financing of said Project.

5. The Notice of Intention of Entering into Contract of Lease for the Project as hereto attached shall be published

in The Lansing State Journal, of Lansing, Michigan, promptly upon adoption of this resolution, said Notice to appear as display advertisements at least one-quarter (1/4) page in size.

6. The Mayor and the City Clerk are hereby authorized and directed to execute and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of forty-five (45) days following the date of publication of the aforesaid Notice, unless, under the provisions of Section 8(b) of said Act 31, as amended, the effectiveness of the Contract in whole or in part is stayed by reason of the filing of a petition for referendum thereon and the resultant necessity of prior approval thereof by the qualified electors of the City. This Council does hereby determine that the designated newspaper is the newspaper circulating in the City of Lansing which reaches the largest number of persons to whom the aforesaid Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the aforesaid Project and the financing thereof. A copy of the Contract shall be placed on file in the office of the City Clerk and shall be available for public examination.

7. This Council does hereby ratify and confirm its covenants in the aforesaid Contract to levy ad valorem taxes against all taxable property in the City to the extent necessary to fulfill the full faith and credit general obligation pledges of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under said Contract shall, however, be subject to statutory, charter and constitutional limitations.

8. The Director of Finance of the City is authorized to notify Treasury of the Authority's intent to issue bonds to finance the Project, to execute the Notice of Intent form required by Treasury, to request an order providing an exception for the bonds from prior approval by Treasury, and to execute and deliver other documents as may be required by Treasury in connection with such order.

9. The City hereby agrees to file with Treasury the documents required by Section 10(1) of Chapter III of Act 202.

10. In the event the State Treasurer of the State of Michigan issues an Order denying an exception from prior approval, the Director of Finance of the City is authorized to submit an application for prior approval to Treasury and to execute and deliver any documents as may be required by Treasury in connection therewith.

11. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

NOTICE OF INTENTION OF ENTERING INTO TAX-SUPPORTED CONTRACT OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON

URBAN PLAZA PROJECT—

To the Taxpayers and Electors of the City of Lansing, Michigan:

Please take notice that the City of Lansing has approved and executed a Full Faith and Credit General Obligation Contract of Lease with the City of Lansing Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract provides, among other things, that said Building Authority will acquire, construct and equip a new Urban

Plaza and acquire the site therefor (the "Project") for the City and will issue its bonds to finance the estimated cost of the same and financing costs incident thereto including the capitalization of interest in the principal amount of not to exceed \$2,200,000. Said bonds will mature serially from 1989 to 2003, inclusive, and will bear interest not exceeding 18% per annum on the outstanding principal balance, to be determined upon the sale of bonds by the Building Authority.

The Contract further provides that the City will lease said Project and site from said Building Authority and will pay as rental to said Building Authority all sums necessary to retire the principal of and interest on said bonds, together with all costs of operating and maintaining said project and all costs of said Building Authority in connection therewith, regardless of whether the Project is completed or is tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City debt limitations, and said principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the Project.

CITY'S CONTRACT OBLIGATION

BY VIRTUE OF SAID CONTRACT AND ACT, ALL OF THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE. SUCH LEVY, HOWEVER, MUST BE WITHIN EXISTING STATUTORY, CHARTER AND CONSTITUTIONAL LIMITATIONS.

REFERENDUM RIGHTS

SAID CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY UPON THE EXPIRATION OF 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A PETITION REQUESTING AN ELECTION OF THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN SAID PERIOD. If such petition is so filed, said Contract shall not be effective without an approving vote by a majority of electors of the City voting on the question. Upon such vote, however, any taxes levied to pay bond obligations may be without limitation as to rate or amount.

This Notice is given pursuant to the requirements of Section 8(b) of the aforesaid Act 31, as amended. Further information concerning the details of said Contract, the Project being financed and the matters set out in this Notice may be secured from the City Clerk's office. A copy of said Contract is on file in the office of the City Clerk for public inspection.

RITA M. BAUMAN
City Clerk, City of Lansing

I hereby certify that the foregoing is a true and complete copy of a resolution by the City Council of the City of Lansing, Ingham and Eaton Counties, Michigan, at a regular meeting held on September 22, 1986, at 7:00 o'clock p.m., Eastern Daylight Time, and that said meeting was conducted and public notice of said meeting was given

pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington; that the following Members were absent: Councilmember Adado.

I further certify that Member Schmidt moved for adoption of said resolution and that Councilmember Belen supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington; and that the following Members voted against adoption of said resolution: Councilmember Lindemann. Councilmember Blair abstained from voting.

RITA M. BAUMAN
City Clerk

By COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LANSING—

RESOLUTION #0419

That Jack D. Gunther is hereby appointed to the Income Tax Board of Review, for a term to expire June 30, 1989.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington - 7

Nays: None

Absent: Councilmember Adado

By COUNCILMEMBERS SCHMIDT, LINDEMANN,
WORTHINGTON AND CREAMER—

Resolved by the City Council of the City of Lansing that the rules of Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

September 22, 1986

President Benavides and
Members of City Council

RE: VandeBunte v City of Lansing

Dear President Benavides and
Members of City Council:

In 1982 Mr. James VandeBunte on behalf of himself and a class of persons similarly situated filed a class action against the City of Lansing alleging that procedures, notice and administrative appeals process utilized by the City of Lansing in removing and specially accessing for trash accumulations violated his constitutional rights. Since that time the matter was dismissed in favor of the City, was appealed by Mr. VandeBunte, the Court of Appeals remanded the action reinstating against the City and Mr. VandeBunte's motion for certification as a class action have been denied. The matter is now scheduled to go to trial Tuesday, September 23, 1986.

Based upon the uncertainty of outcome attendant to this

action as well as potential cost of appeal by either party, once this action is decided at the Circuit Court level, attorneys for both parties have tentatively agreed to settle the matter for a \$5,000 payment to the Plaintiffs and then assurance that the Plaintiff will be given opportunity to protest and appeal further notices for trash removal before the City mandates that the removal take place.

Based upon the uncertainty and potential cost attendant to this litigation, it is this office's opinion that the settlement is in the City's advantage and, therefore, request authorization by City Council to enter into a settlement as outlined above. Thank you for your consideration in this matter.

Respectfully Submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this matter be settled in the amount of \$5,000.00.

Carried.

DATE: 9/22/86

TO: City Councilmembers

FROM: Councilman Patrick Lindemann, First Ward

SUBJECT: Attached Resolution

Attached please find a proposed resolution regarding Board of Water and Light water billing rates. I request that it be received under Communications and Petitions for referral to the appropriate Council Committee.

Referred to the Committee on Physical Development

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0420

Resolved by the City Council of the City of Lansing

That the request of the Block 100 Limited Partnership for a new Entertainment Permit to be held in conjunction with their Resort B-Hotel license, located at 111 Grand Avenue, Lansing, is hereby approved.

Adopted by the following vote:

Yeas: Councilmembers Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (7)

Nays: None

Absent: Councilmember Adado

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0421

Resolved, by the City Council of the City of Lansing

That the Special Assessment Roll for Storm and Sanitary Sewers and Curb and Gutter for the proposed Edgewood Blvd. Extension

Assessment Roll No. 299

Property Benefited: All lands fronting on proposed Edgewood Blvd. Extension from the end of the existing

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, September 29, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

September 29, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Belen, Benavides, Creamer, Lindemann, Schmidt, Worthington—6.

Absent: Adado and Blair—2.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance was led by Lisa Ulrich and John Goff.

Council proceedings of August 18 and 25, 1986 were approved and carried.

PUBLIC HEARING

September 29, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, Being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 934 Center Street.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

September 29, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 125-127 Hill Street.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

September 29, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1000 E. Grand River Avenue.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

By COUNCILMEMBER LINDEMANN—

Resolved by the City Council of the City of Lansing that the rules of Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Proclamation for Polish Heritage Month presented to Joe Peplinski by Mayor McKane.

Council President Benavides called on former Councilmember William Brenke to make comments regarding the salmon run and safety factor involving children watching them in the Grand River at Moore's River Dam. He introduced Mr. John Hauser who narrowly escaped when his fishing boat capsized in the water above the dam.

State Representative Dave Hollister spoke regarding the loss of Federal Revenue Sharing funds as of Oct. 1, 1986, the proposed increase of water rates by the Board of Water & Light and the Energy and Food Bank.

THE PUBLIC MAY ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3 MINUTES ON ANY ONE ITEM.

Ellen Beal, 227 Custer St., spoke regarding Communication & Petition #10 — Board of Water and Light increase in rates.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—James H. Bedford, Michael Adams, Raymond C. Koos.

Beer and Wine Carry-Out—Muir Co., 400 Frandor Ave.

Referred to the Committee on General Services.

Suites filed by:

a. John Knox, Grand Ledge, MI, v City of Lansing regarding the maturity date of the Sewage Disposal System Revenue Bonds, 1984 Series.

b. Affidavit for Small Claims by Brenda and David Higgins, 5138 Hughes Rd. v Union Federal Savings and City of Lansing regarding improper inspection of plumbing and sewer before their purchase of house.

Referred to the City Attorney.

Claims filed by:

a. Susan Hayden, 411 N. Hayford for reimbursement of garbage can inadvertently taken by refuse collectors.

b. Tim Moede, Lansing Fire Dept., for reimbursement of watch broken during duty time.

c. Ms. Terri D. Morgan, 2910 Canarsie, for reimbursement of automobile tire ruined by piece of asphalt on city street.

d. Notification of claim to be filed from Attorney Jan P. Benedict on behalf of Bradley Jacobs injured in a motorcycle accident in Biggie Munn Park.

e. Kristin J. Kuerbitz, Saginaw, MI, refiles claim for damage to two automobile tires and a rim from hitting a pot hole.

Referred to the City Attorney.

Letter from Vernon L. Williams, California, wanting to donate property located in the State of Michigan.

Referred to the Mayor.

Mary E. Bleicher, 1712 Jerome St., offering to donate a blue spruce tree to the city for Christmas.

Referred to the Mayor.

Gary R. Andrews, 560 Brookland Blvd., submits letter regarding Equity Funds.

Referred to Internal Audit and the City Attorney.

Community Service of Referral Center requests permission for presentation to City Council.

Received and placed on file.

Lansing Retired Policeman's and Firemen's Assoc., Inc. submits four positions with recommendations for City Council consideration.

Referred to the Committee on Ways and Means.

George H. Scarlett, Retired Deputy Chief of the Fire Dept., submits letter of support regarding the Police and Firemen's retirees request for a raise.

Referred to the Committee on Ways and Means.

Vera Ramos, 219 Rumsey Ave., submits letter regarding Board of Water and Light billing rates.

Received and Placed on File and Copy to the Board of Water and Light.

Consumers Power Co. submits copies of the agreement for Electric Distribution Line Extension to property at 208 W. Sheridan Rd.

Referred to the Mayor and the Committee on General Services.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA:

Mayor's letters 4b (Crime Reduction in Lansing); 4c (Urban Homesteading Program - 1701 Martin St.); 4o (Parking Fine Ordinance Amendment); 4p (Request for Co-sponsorship of 1987 MI Hispanic Education Conference); 4q (Donation of Land to City by Great Lakes Bible College); 4r (1986 Municipal Achievement Award/ Michigan Municipal League) and 4w (City/ Authority Agreement-Convention-Exhibition Center).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Drivers—James H. Bedford, Michael Adams, Raymond C. Koos, Steven A. Brenner, Terry L. Bement.

Beer and Wine Carry-Out—Muir Co., 400 Frandor Ave.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PHYSICAL DEVELOPMENT

To whom was referred the Mayor's Recommendation regarding Distribution of 1986-87 State Equity Funds,

REPORTS AS FOLLOWS: The Committee concurs with the Mayor's distribution of funds and recommends Council approval.

Signed:

CHARLES M. CREAMER
Lucile Belen
Alfreda Schmidt
Committee on Physical Development.

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

August 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Grace L. Ansley
in the amount of \$2,390.97

Dear President Benavides and
Members of Lansing City Council:

On July 7, 1986, City Council received a claim from Grace L. Ansley, 2034 West Lenawee, for damages to her home due to the sewer backup on June 10, 1986. Claimant's basement was flooded and the carpeting destroyed, furniture soiled, paneling warped and stained. Cleaning and drying out the basement and hauling away the carpet cost claimant \$908.00. (Note: a lower labor cost was given by a second company, which would have reduced the sum to \$593.00). To replace claimant's carpeting, the lowest estimated obtained was \$1,797.97. Claimant's total loss was \$2,390.97.

An investigation by the Public Service Department confirmed claimant's damages were the result of a sewer main overload during an unusually large amount of rainfall. The City Engineer's office indicated that the City received "100 year rains" this spring and summer, and that the sewers are not designed to transport such large amounts of water.

MCLA 691.1407 provides that the City of Lansing is protected by governmental immunity when engaged in a governmental function. The Michigan Supreme Court recently held in *Ross v Consumer Power Co.*, 420 Mich 554, (1985) that "governmental function" includes activities authorized by law. The construction and operation of the City's sewer system is authorized by City Charter, Chapter 3, and City Ordinance, Article III, Sec. 27-40. Accordingly, the City is entitled to governmental immunity in this matter and is not legally obligated to pay this claim. Moreover, governmental immunity aside, there is no indication that the City was negligent in this matter.

Based on the above, it is the recommendation of this office that this claim should be denied.

Signed:

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

September 25, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's Office by the Budget Director. (No. 78 and 79 FY 86).

Sincerely,

Rita M. Bauman
City Clerk

Referred to the Committee on Ways and Means.

September 22, 1986

Antonio Benavides, President
Lansing City Council

Dear Councilman Benavides:

RE: Court/Bargaining Unit Contract.

The Court wishes to advise the Council that tentative agreement has been reached between the 54-A District Court and the Teamsters Local #580 on the third year (Wage and Fringe Benefit only) of our current three (3) year contract (7/1/84 through 6/30/87).

Pursuant to law, we are referring this matter to you for your review and ratification on economic issues. We will be available, along with other Court Personnel, as needed to discuss this matter with those council committees deemed appropriate by yourselves.

In addition, the Judges of the Court have extended to the non-bargaining unit employees the same fringe benefits and percentage of salary adjustments.

Respectfully submitted,

WILLIAM E. COLLETTE
Chief District Court Judge

Referred to the Committee on Ways and Means.

PROCLAMATION

Whereas: Poland, named for a Slavik tribe, the Polians (dwellers of the field), is a land of plains and gently rolling hills; and

Whereas: The turn of the century saw a mass immigration of Poles to the United States to make this country their new home, and

Whereas: The Polish-American people have always kept a strong national loyalty and patriotism; and

Whereas: The Polish cultural heritage embodies values which can be found in the most Polish-American families. These families join with other citizens of our country to make it a strong country.

Now, Therefore, I, TERRY J. McKANE, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the month of October as:

"POLISH-AMERICAN HERITAGE MONTH"

in Lansing, and urge all citizens of this community to join with me in encouraging all Polish-Americans to take this opportunity to unite and become more aware of their beautiful Polish culture and proud heritage, and honor them for the enrichment they have provided the United States.

Given under my hand and the Seal of the City of Lansing this twentieth day of September in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE
Mayor

Received and placed on file.

September 25, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and City Councilmembers:

As you requested several weeks ago, I have been exploring methods that we, as a City, might employ to reduce crime. While Lansing continues to have a very good track record in crime prevention and law enforcement, there are certainly areas that are of serious concern, particularly drug trafficking and burglaries. Since our efforts to impact these problems are dependent on our police, our courts, our legal community, and the parallel agencies of our surrounding communities, I am convening a task force, similar in nature to the Revitalization Task Force, to bring the concerned and involved elements to the community together to attack these problems.

I will be calling on individuals from our Police Department, the Police Board, the Neighborhood Watch, the District and Circuit Courts, Ingham County, and a variety of other areas to work together to propose effective, viable approaches to these serious issues. We all know that simply throwing money at a problem, even if we all had unlimited resources, doesn't assure that the problem will become any less. (We already have nine more uniformed officers going on to the streets in December.) We need to focus our energies and resources in such a way that we achieve maximum benefit. It's no use if police catch a criminal, if the law and courts aren't able to handle him or her. But prosecutors and courts can't do their job without full police support.

I want to make sure that we do the best job we can do. I will be asking your involvement also in this effort, and I know you will do all in your power to help assure a safe Lansing.

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Urban Homesteading Program—
1701 Martin St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-13-86, McKim Avenue
Right-Of-Way Vacation

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-36-86, Portion of Mill St.
(Museum Dr.) Right-Of-Way Vacation

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-37-86, 1305 Hillsdale

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-41-86, 2202 South Wadsworth—
Use Public Right-Of-Way

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-44-86, Holmes Drain Easement
Reduction

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-22-86, Southwest Corner
Mt. Hope/Bradley

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-24-86, 1035 East Saginaw Street

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-25-86, 208 East Mt. Hope Ave.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-26-86, 1015 McKim Ave.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: P-1-86, Coulson Woods—Tentative
Preliminary Plat

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: P-4-79, Trappers Cove #4—Final Plat

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: SLU-5-86, 5600 S. Logan St. Church

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: 1617 Martin St.

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update

The attached material is submitted for your information.

Referred to the Committee on General Services.

DATE: 9/24/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Parking Fine Ordinance Amendment

The attached correspondence is being submitted with my concurrence. I request that you review it and take the appropriate action as soon as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 9/23/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Co-sponsorship of 1987
Michigan Hispanic Education Conference.

The attached correspondence from Dr. Phillip Runkel is submitted for your review and action.

Referred to the Committee on General Services.

DATE: 9/23/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Donation of Land to City by Great Lakes
Bible College.

The attached correspondence is submitted to Council with my concurrence. I recommend that you review this request and take the necessary action as soon as reasonably possible.

Referred to the Committee on Public Safety and Properties.

September 25, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benevides
and Councilmembers:

I am pleased to announce that the City of Lansing has received an Honorable Mention, Municipal Achievement Award for 1986 from the Michigan Municipal League. This award was received for "Your Dollars at Work", Channel 28 television shows.

Flint and Lansing received the awards for cities with a population of over 75,000.

I hope you will join me in congratulating our Public Service Department staff members as well as the staff of Channel 28 for these valuable and worthwhile presentations. Lansing is proud of your efforts.

Sincerely,

TERRY J. MCKANE
Mayor

Presentation were made by Mayor McKane to members of the Public Service Dept. and staff of Channel 28.

Received and Placed on File.

September 25, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

Recently the City employees, whose work stations are located in the downtown area, have raised concerns about the cost and availability of parking. Current policy calls for a parking subsidy of \$17.00 per month, and this level of subsidy has been in effect since March 25, 1985. The monthly parking rates have increased twice in this time period, which has caused each employee's personal portion to increase accordingly. In order to address these employee concerns, I have worked with my staff to investigate avenues of relief for these employees.

The following parking provisions have been developed:

First, the City will be expediting the opening of the upper lot (157 spaces) at the new Convention/Exhibition Center. This lot will open on September 26, 1986. Some construction items will be completed after the opening of the lot; however, there will be little or no inconvenience to the parkers.

Secondly, the monthly rate for parking in this facility will remain at \$17.00 per month until July 1, 1987. This will essentially provide free parking to all city employees who are eligible for a parking subsidy. Even if demand for the facility would dictate an increase, the lower rate will be maintained for city employees until July 1, 1987.

Thirdly, the employees will be given priority placement in the lot. Should the lot fill to capacity, a waiting list for City employees will be established. No City employee will have to wait more than 30 days to gain access to this lot. Interim parking arrangements will be made for all City employees on the waiting list such that parking at \$17.00 per month somewhere in the City's Parking System will be available at all time through July 1, 1987.

Fourthly, the City will provide security patrols for this lot in conjunction with the existing Parking

System security guard contract. This service will remain in effect until coordinated security efforts can be developed between the City and the Convention/Exhibition Authority.

Ultimately, when the Pedway is completed, these parking provisions will provide low cost parking to City employees within easy walking distance of City Hall and mostly within the climate controlled Pedway. In addition, these provisions will still allow City employees to make individual choices regarding the location and out-of-pocket costs of their parking options.

These provisions have been reviewed by the Labor Relations, Law, and Public Service Departments, and can be implemented administratively. Therefore, I am writing to you for informational purposes only.

Sincerely,

TERRY J. McKANE,
Mayor.

Received and Placed on File.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 9/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31 (\$5,237.50)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the trash assessment in the amount of \$5,237.50 be placed on the U-31 Tax Roll.

Carried.

September 26, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and Councilmembers:

Under the Bylaws of the National League of Cities, each direct member city is entitled to cast from one to twenty votes, depending upon the City's population,

through its designated voting delegate at the Annual Business Meeting of the Congress of Cities. This meeting will take place at the annual Congress of Cities, November 29-December 3, 1986 in San Antonio, Texas.

I am planning to attend this conference and ask that you consider me as the official delegate to vote on the City's behalf at this conference. I would also ask that you designate two Councilmembers to serve as alternate delegates, if anyone from City Council is planning to attend.

The official forms for the naming of these delegates are attached and I request that you complete and return these forms before October 8, 1986 to ensure that our City is represented by official delegates.

Thank you for your consideration and cooperation.

Sincerely,

TERRY J. McKANE,
Mayor.

Referred to the Committee of the Whole.

DATE: 9/26/86

TO: Council President Tony Benavides
and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: City/Exhibition Hall Lease Agreement

Attached for your review and concurrence, please find the Contract of Lease for leasing the Exhibition Hall and Civic Center. I would ask that you review this lease and take the appropriate action as soon as reasonably possible.

Referred to the Committee of the Whole and Committee on Public Safety and Properties.

RESOLUTIONS

RESOLUTION APPROVING PROJECT PLAN AND ISSURANCE OF BONDS (Grandview Plaza Project)

RESOLUTION #0422

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7 o'clock p.m., Michigan Time, on September 29, 1986, at which the following members were present: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington

and the following were absent: Councilmembers Adado and Blair.

The following preamble and resolution were offered by Belen and supported by Creamer:

Whereas, this City Council has given notice pursuant to Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2, of a public hearing which was held earlier on September 22, 1986, relative to (i) the Project Plan for the Grandview Plaza Project (the "Project") of the Economic Development Corporation of the City of Lansing (the "Issuer") and (ii) the issuance of bonds by the Issuer to assist in the financing of the Project.

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and the issuance of bonds and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

Whereas, this City Council desires to express its approval of said Project Plan and the Project described therein and the issuance of bonds by the Issuer to assist in the financing of the Project, and wished to request the Issuer to proceed with the Project and the financing thereof.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. It is hereby determined that the Project Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Project Plan is hereby approved in its entirety based on the following considerations:

(a) The Project Plan meets the requirements set forth in Section 8 of the Act.

(b) The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the Plan properly.

(c) The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.

(d) The Project is reasonable and necessary to carry out the purposes of the Act.

2. By adoption of this resolution approving the Project Plan this City Council intends to and hereby does approve the issuance, sale and delivery and not to exceed \$5,500,000 in aggregate principal amount limited obligation economic development bonds described in the Project Plan as is required by the Tax Equity and Fiscal Responsibility Act of 1982, and Temporary Treasury Regulations Section 5f.103-2.

3. The Issuer is hereby requested to proceed with the Project and the financing thereof.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide three (3) certified copies to the Secretary of the Issuer.

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSTENTIONS: None.

ABSENT: Councilmembers Adado and Blair—2.

Resolution Declared Adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 29th day of September, 1986 and that the minutes of said meeting are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN
Lansing City Clerk

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0423

Whereas, the Lansing City Council has established a Lansing Industrial Development District No. 10 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended at 2727 Lyons Avenue; and

Whereas, Olofsson Corporation has submitted an application for an Industrial Facilities Exemption Certificate for construction of a new facility within said Industrial Development District; and

Whereas, a hearing was held on Olofsson's application for an Exemption Certificate on September 15, 1986 at which time all interested persons has an opportunity to be heard; and

Whereas, Olofsson Corporation has met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council and

Whereas, this Council find that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated September 22, 1985 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Olofsson Corporation for and Exemption Certificate in Lansing Industrial Development District 10, to remain in effect for a period of twelve (12) years.

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt, and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By ECONOMIC DEVELOPMENT COMMITTEE—
RESOLUTION #0424

Whereas, the Lansing City Council has established a Lansing Industrial Development District No. 11 in the City of Lansing, pursuant to Public Act 198 of 1974, as amended, at 1407 Renson St.; and

Whereas, Olofsson Corporation has submitted an application for an Industrial Facilities Exemption Cer-

tificate for construction of a new facility within said Industrial Development District; and

Whereas, a hearing was held on Olofsson's application for an Exemption Certificate on September 15, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Olofsson Corporation has met the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

Whereas, this Council finds that the granting of this Exemption Certificate, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing (financial impact statement dated September 22, 1986 attached hereto).

Now, Therefore, Be It Resolved the Council of the City of Lansing approves the application from Olofsson Corporation for an Exemption Certificate in Lansing Industrial Development District 11, to remain in effect for a period of twelve (12) years.

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0425

Resolved by the City Council of the City of Lansing:

That the following Title Search/Board-ups Assessment, in a total amount of \$2,447.00 is hereby approved for placement on the December 1986 Tax Roll:

5624-5638 Hughes Rd., parcel 3305-05-302-131, owner Roy C. Markey	
Contractor's Charge Invoice #6485	\$1,098.00
(Basement)	
City Service Charge	145.00
Total	\$1,243.00

5447 Hughes Road., parcel 3305-06-101-175, owner Roy C. Markey	
Contractor's Charge Invoice #6486	\$1,059.00
(Basement)	
City Service Charge	145.00
Total	\$1,204.00

Total Contractor's Charge	\$2,157.00
Total City Service Charge	290.00
TOTAL ASSESSMENT	\$2,447.00

Adopted by the following vote;

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0426

Resolved by the City Council of the City of Lansing:

That the following Title Search/Board-ups Assessment, in a total amount of \$3,611.97, is hereby approved for placement on the December 1986 Tax Roll:

1. 509 Clifford St. 3301-15-453-021	
Administrative Service Charge (Board-up)	338.30
City Service Charge	145.00
Maurice Cartier	\$483.30

2. 612 River St. 3301-16-460-151	
Administrative Service Charge (Board-up)	223.67
City Service Charge	145.00
Edith Darkin	\$368.67

3. 313 S. Larch 3301-16-430-111	
Transamerica Title Insurance (Title Search)	50.00
City Service Charge	145.00
Arthur B. and Helen F. Ziegler	\$195.00

4. 1129 Linwood 3301-08-405-091	
Transamerica Title Insurance (Title Search)	45.00
City Service Charge	145.00
Joseph P. & Charles Swanson	\$190.00

5. 1113 Theodore 3301-08-406-131	
Transamerica Title Insurance (Title Search)	55.00
City Service Charge	145.00
Marion Hill	\$200.00

6. 1247 Center 3301-09-257-241	
Transamerica Title Insurance (Title Search)	95.00
City Service Charge	145.00
Norrene O'Malley	\$240.00

7. 300 E. Lenawee 3301-16-457-001	
Transamerica Title Insurance (Title Search)	55.00
City Service Charge	145.00
George McClain	\$200.00

8. 123 Hill 3301-15-302-051	
Transamerica Title Insurance (Title Search)	50.00
City Service Charge	145.00
Gary Theis	\$195.00

9. 824 Riverview 3301-20-130-071	
Transamerica Title Insurance (Title Search)	45.00
City Service Charge	145.00
Buel Williams	\$190.00

10. 824 Middle 3301-20-131-101	
Transamerica Title Insurance (Title Search)	60.00
City Service Charge	145.00
C. M. Dykema	\$205.00

11. 205 Reo 3301-21-329-231	
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Transamerica Title Insurance (Title Search)	50.00
City Service Charge	145.00
Gordon & Sherri Miller	\$195.00
12. 1000 E. Grand River	
3301-10-326-001	
Transamerica Title Insurance (Title Search)	55.00
City Service Charge	145.00
D & D Plumbing	\$200.00
13. 934 Center	
3301-09-431-011	
Transamerica Title Insurance (Title Search)	40.00
City Service Charge	145.00
Cruz Tonche	185.00
14. 1023 W. Ionia	
3301-17-278-351	
Transamerica Title Insurance (Title Search)	40.00
City Service Charge	145.00
Carolyn S. Barber	\$185.00
15. 1235 W. Michigan	
3301-17-401-511	
Transamerica Title Insurance (Title Search)	40.00
City Service Charge	145.00
Charles J. Abraham	\$185.00
16. 125-27 Hill	
3301-15-302-051	
Transamerica Title Insurance (Title Search)	50.00
City Service Charge	145.00
Gary L. Theis	\$195.00
Total Board-ups and Title Search	\$1,291.97
Total City Service Charge	2,320.00
Total Assessment	\$3,611.97

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0427

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing was awarded a grant of federal funds in September of 1985 in the amount of \$12,000.00 from the History Division of the Michigan Department of State for an architectural survey of buildings in certain areas of Lansing,

Whereas, the total grant amount was \$24,211.00: City's share \$12,211.00; Federal share \$12,000.00, and

Whereas, the City's share was \$1,100.00 of funds and \$11,011.00 of in-kind services, and

Whereas, when the project was underway, additional buildings were surveyed, by request of the State History Division, than were originally planned on, and

Whereas, the History Division of the Michigan Department of State has approved an additional \$2,500.00 increasing the total amount of Federal

funds from \$12,000.00 to \$14,500.00. The City share covering the additional funds is in-kind services.

Now, therefore, be it resolved; the Lansing City Council does accept these funds of \$2,500.00 for the Architectural Survey project.

Adopted by the following vote:

YEAS: Councilmember Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0428

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing City Council has established a policy regarding the disposition of vacant lots in Neighborhood Development Areas; and

Whereas, Section 8-403.4 of the City Charter of the City of Lansing requires that City Council approve proposed sales of real estate;

Now, therefore, be it resolved by the Lansing City Council that the following proposed sale be and is hereby approved;

To Enrique T. and Maria Castillo the property legally described as the 5½ of Lot 18, Orchard Home Addition, City of Lansing, Ingham County, Michigan (commonly known as 1625 Martin Street, Lansing, MI, #3301-21-452-007)

Adopted by the following vote;

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

PUBLIC IMPROVEMENT V

By COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #0429

Resolved by the City Council of the City of Lansing:

That the supplementary special assessment roll for #295 Curb and Gutter for all lands fronting on Melvin Court (both sides) from Sunset Avenue to the East end of the street, on Sunset N. 100' from Melvin Court. Also, benefited land fronting on Joshua Street from Louisa Street to the South end of the street, excepting all public streets and alleys and other lands deemed not benefited, as returned by the city Assessor and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before December 29, 1986.

Estimated Cost:	\$42,332.22
Actual Cost:	41,445.39
Reduction:	\$ 886.83

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COUNCILMEMBER CREAMER—

RESOLUTION #0430

Whereas, the City of Lansing has entered into an Urban Homesteading Agreement with the U.S. Department of Housing and Urban Development (HUD); and

Whereas, the Urban Homesteading Procedures approved by the Mayor on April 28, 1983, and Section 2-125 of the Code of Ordinances of the City of Lansing require City Council approval to include houses in the program; and

Whereas, the Grand Rapids FHA Insuring Office has indicated the availability of 1701 Martin Street for inclusion in the Urban Homesteading Program; and

Whereas, the Detroit Area Office of HUD has indicated a willingness to increase the City's Section 810 Funding Allocation so that adequate funds are available to purchase 1701 Martin, if the City is willing and able to close on the purchase of this property prior to the expiration of the Federal fiscal year on September 30, 1986; and

Whereas, City staff have inspected the property at 1701 Martin Street and have recommended its purchase for inclusion in the Urban Homesteading Program;

Now, Therefore, be it resolved by the City Council of the City of Lansing that the purchase of 1701 Martin Street, by utilization of its Section 810 Funding Allocation, for inclusion in the Urban Homesteading Program, be and is hereby approved.

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0431

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is eligible for up to \$500,000 in 1987 "Equity" funds from the State of Michigan; and

Whereas, the Mayor has recommended that the City apply for \$500,000 from the Equity funding for a variety of projects; and

Whereas, the Committee on Physical Development and the Committee on Ways and Means have reviewed the Mayor's recommendation and concurred in the projects and dollar amounts for each;

Now, therefore, be it resolved the Lansing City Council hereby authorized the Mayor to apply for \$500,000 from the 1987 State of Michigan Equity Program, to be used for the following projects as specified:

Potter Part Zoo: \$100,000 toward development of a "natural" area around the feline/primate house.

Local Arts Agencies: \$90,000 allocated as follows:

Arts Council Center	\$16,800
Boarshead: Michigan Public Theater	16,000
Impression 5 Museum	21,200
Lansing Art Gallery	7,000
Lansing Symphony Orchestra	14,700
Opera Company of Mid-Michigan	7,300
R. E. OLDS Museum	7,000

Smaller Arts Agencies: \$10,000 for mini-grants.

Riverwalk Theater: \$20,000 to assist the theater's move to downtown.

Michigan Square: \$100,000 toward development of a park on the Public Site portion of this project.

Sesquicentennial: \$50,000 to the local sesquicentennial committee to support local efforts to celebrate Michigan's 150th birthday.

Floating Fountain: \$50,000 as match to the Board of Water and Light commitment of \$50,000 to create a floating fountain in the Grand River.

Convention-cultural area landscaping: \$15,000 to assist with landscaping around Museum Drive and in downtown parks.

Library: \$25,000 to the Lansing Public Library as a cultural resource.

Police Protection: \$40,000 for a "beat cop" assigned to the downtown convention/cultural/tourism area, on the condition that the officer be horse-mounted.

By COUNCILMEMBER LINDEMANN—

That we amend this Resolution by reducing the amount from \$100,000.00 to \$95,000.00 for the Michigan Square Project and adding the \$5,000.00 to a fund for the Michigan Women's Studies Hall of Fame.

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair —2.

The resolution as amended was ADOPTED by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0432

Resolved by the City Council of the City of Lansing:

Fiscal Year 1986

That the following transfer be approved:

\$26,504.00 from Estimated Revenues

A/C 101-000-000-160

\$26,504 to Capitol Improvement Program

Potter Park Complex

A/C 101-936-204-971

(Earmark net proceeds from April 8-June 30, 1986 of \$1 vehicle fee at Potter Park for Potter Park development.)

I hereby certify that this is a properly drawn and eligible transfer.

JANET LAZAR

Budget Director

Approved:

SIDNEY P. WORTHINGTON

PAT LINDEMANN

Committee on Ways and Means

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair —2.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0431

Resolved by the City Council of the City of Lansing:

Fiscal Year 1987

That the following transfers be approved:

1.

\$903.00 from Gen. Admin. Reserve for Contingency

A/C 101-941-000-963

903.00 to District Court Expenditures

A/C 101-136-100-700

(Same explanation as second part of transfer.)

\$903.00 from Estimated Revenues District Court

A/C 760-000-000-160

\$903.00 to District Court Temporary Help

A/C 760-136-000-707

(Temporary clerical assistance to fill in while Court Recorder is on maternity leave.)

2.

\$70.00 from General Fund Estimated Revenues

A/C 101-000-000-160

\$70.00 to Fire Dept. Citizens' Donations

A/C 101-337-000-956

(Donation to Lansing Fire Department from Citizens in memory of Charles Main.)

3.

\$2,860.00 from Reserve for Contingency

A/C 101-941-000-963

\$2,574.00 to Administrative Services-Data Processing Equipment

A/C 101-221-000-977

(Purchase of special printer for card stock voters' cards for on-line voters' registration system commencing January 1987, purchased and maintained by Data Processing and located in City Clerk's Office.)

\$286. to Data Processing Equip. Rental

A/C 101-221-000-943

(First year service agreement for above printer.)

4.

\$95,050.00 from Civic Center Estimated Revenues

A/C 593-000-000-160

\$2,250.00 to Civic Center Salaries & Long.

A/C 593-536-000-702

(Salaries for additional 30 days' operation of Civic Center.)

\$31,000.00 to Civic Center Wages Hourly

A/C 593-536-000-706

(Wages for additional 30 days' City operation of Civic Center & fund wage shortage due to less attrition than anticipated.)

\$1,000.00 to Civic Center Wages Temporary

A/C 593-539-000-707

(Temp. help needs for additional 30 days' City operation of Civic Center.)

\$12,900.00 to Civic Center Fringe Benefits

A/C 593-536-000-715

(Est. fringe benefits for additional 30 days' operation of Civic Center.)

\$2,400.00 to Civic Center Misc. & Oper. Exp.

A/C 593-536-000-741

(Insurance & misc. costs for additional 30 days' Civic Center operation.)

\$44,000.00 to Civic Center Utilities

A/C 593-539-000-920

(Est. utility needs for additional 30 days' Civic Center operation & to meet est. shortfall in originally-budgeted amount.)

\$1,500.00 to Civic Center Bldg. & Grnds Maint.

A/C 593-539-000-930

(Misc. repair & maint. needs for additional 30 days' Civic Center operations.)

5.

\$12,000.00 from Parking System Estimated Revenues

A/C 585-000-000-160

\$250.00 to Public Service Parking-Professional Service

A/C 585-536-000-801

(Coin counting contract for additional 30 days' City operation of Civic Center lot.)

\$3,200.00 to Public Service Parking

Operations-Wages Temp.

A/C 585-444-000-707

(Parking attendants for additional 30 days' City operation Civic Center lot.)

\$650.00 to Public Service Parking Operations-Fringe Benefits

A/C 585-444-000-715

(Parking Attendant fringe benefits for additional 30 days' City operation of Civic Center lot.)

\$200.00 to Public Service Parking Maintenance-

Supplies.

A/C 585-555-000-741

(Misc. supplies for additional 30 days' City operation of Civic Center lot.)

\$650.00 to Public Service Parking Maintenance-
Professional Services
A/C 585-555-000-801
(Contracted equip. maintenance for additional 30
days' City operation of Civic Center lot.)
\$50.00 to Public Service Parking Maintenance-
Utilities
A/C 585-555-000-920
(Utilities related to additional 30 days' City operation
of Civic Center lot.)
\$7,000.00 to Public Service Parking Maintenance-
Lot Rent
A/C 585-555-000-940
(Lot rent for additional 30 days' City operation of
Civic Center lot.)

The Balance in the Reserve for Contingency after
these transfers is \$671,020.00

I hereby certify that this is a properly drawn and
eligible transfer.

JANET LAZAR
Budget Director

Approved:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on Ways and Means

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides,
Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair.

By COUNCILMEMBERS BELEN, CREAMER
AND LINDEMANN—

Resolved by the City Council of the City of Lansing
that the rules of the Council be waived for the purpose
of presenting:

Letter from Atty. Terrence D. Delehanty regarding
the Sanitary Sewer project at 5410 S. Waverly Rd. and
Gerald and Georgia Huckaba asking for their name to
be withdrawn as they did not want the sewer installed.

Received and Place on File.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0434

Resolved by the City Council of the City of Lansing:

Whereas, Edward G. "Ed" Vogt, Director of
Finance and Business Planning for the Buick-
Oldsmobile-Cadillac Division of General Motors Cor-
poration, is being honored for 40 years of outstanding
service to this country's largest car-making company;
and

Whereas, in the long history of the Greater Lansing
Area, seldom have the effects of one person had an
impact as wide in its scope, as future-oriented, and as
beneficial to the entire community as the work of Ed
Vogt; and

Whereas, Ed played a major role over the past
several years in many critical General Motors decisions

to renovate and expand Lansing area facilities, the
results of which have been to save and create jobs for
people throughout Mid-Michigan; and

Whereas, as Chairman of Lansing's Economic
Development Corporation Board of Directors since
the EDC's creation in early 1976, Ed has guided a new
era of growth and investment in Lansing, with more
than 75 projects already completed using EDC tax-
exempt bonds and other incentive programs; and

Whereas, Ed's other community development
work, as Chairman of the Lansing Hospital Finance
Authority allowed the expansion of Sparrow Hospital,
and, as Chairman of the Tax Increment Finance
Authority, helped fund the new Convention/Exhibi-
tion Hall and the Capitol Commons project; and

Whereas, Ed's involvement in community organiza-
tions has led to improvements to our quality of life in
diverse areas such as education, energy management,
air transportation, health care, and the Arts; and

Whereas, Ed has earned a solid reputation as a
leader who helps others cut through rhetoric and get
things done with key emphasis on sound financial
planning; and

Whereas, the elected officials and the people of
Lansing owe a tremendous debt of gratitude to Ed
Vogt for his past service;

Now, therefore, be it resolved the Lansing City
Council, sitting in regular session this 29th Day of
September, 1986, hereby expresses heartfelt thanks to
Edward G. Vogt for all his valuable contributions to
Lansing's progress; and

Be it further resolved, the City Council con-
gratulates Ed Vogt on the occasion of his 40th AN-
NIVERSARY as an employee of the General Motors
Corporation; and

Be It Finally Resolved the City Council reminds Ed
and his family that "THE BEST IS YET TO
COME!!"

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides,
Creamer, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Adado and Blair—2.

DATE: 9/26/86

TO: Chairperson Lucile Belen

FROM: James N. Foulds, Planning Division Director
Dept. of Planning & Municipal Development

SUBJECT: Preliminary reports and future meeting of
Joint City/State Task Force.

Please find attached copies of the preliminary
reports from the state subcommittees and the ex-
ecutive summary of the four city subcommittees.

There will be a joint City/State Force meeting to
review and discuss the reports on September 30, 1986,
8:30 a.m. to noon, North Training Center, State
Transportation Building. A follow-up meeting has
been scheduled for October 10th, 8:30 a.m. to noon,
South Training Center, State Transportation
Building. Please plan to attend.

If you have any questions, please contact me.

Referred to the Committee on Public Safety and Properties.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing that Councilmembers Adado and Blair be excused from the session.

Carried.

REMARK BY THE MAYOR

Mayor McKane thanked City Councilmembers for their work on the Equity Funding.

Remarked on the flash Flood Watch in effect and announced streets involved that may flood. Howard McCaffery, Public Service Director, commented that Pennsylvania Ave under the railroad viaduct would probably be flooded tonight. Also, announced the leaf pick-up to start October 6th.

REMARKS BY COUNCILMEMBERS

Councilmember WORTHINGTON commented that Lansing needed good air service in order to attract Convention business.

Councilmember CREAMER spoke regarding the Lansing Housing Commission helping residents find housing who formerly resided at the condemned So. Chestnut St. apartments.

Councilmember SCHMIDT asked the Public Service Dept. to examine the drain on back of the former Everett Elementary School Site.

Councilmember BENAVIDES asked the Public Service Dept. to check regarding the placement of telephone poles on Glenburne.

AUDIENCE SPEAKERS:

Richard Fisher, 1909 E. Willard St., complained about the project for pumping station not being finished in their area, cannot get out of their driveway; well points, 12" Pipes, being uncapped, having to park

elsewhere and remarked that brush and wood was being trucked into the Hoyt St. Area.

Grace Ansley, 2405 W. Lenawee, spoke in regard to her claim on the agenda and reminded councilmembers that it was sewage in her basement not rainwater.

Bill Helder, 2225 Groesbeck thanked everyone for their support of Riverwalk Theatre.

Greg Hoffman and Ms. Helen Jones, Community Service and Referral Center spoke regarding the Clothing Program.

Lester Hansen, 3135 W. Grand River spoke regarding problems of teenagers and problem of their drinking alcoholic beverages.

David Patterson, 3624 Tecumseh River Road spoke in regard to the violence after the Football Game held last Friday at Sexton High School. (Committee on Intergovernmental Relations and Human Resources urged to look into the problem.)

James N. Jones, 1740 W. Edgewood Blvd. spoke in regard to the Light House Mission at Porter and Pennsylvania Ave. and their help for elderly, poor and Handicapped.

Ellen Fiser, 1909 E. Willard St., spoke about the construction on Willard St. Pumping Station. Tired of hold-ups and runaround in getting the mess straightened out.

Walter Steinbart, 3019 N. Cambridge Rd., asked for city help in determining why his catchbasin in backyard does not drain water away.

Irene Gross spoke of problems of prostitution in North end of Lansing around Porter and Pennsylvania Ave.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:05 P.M.

RITA M. BAUMAN
City Clerk

Lansing, Michigan.
September 29, 1986

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, October 6, 1986

CITY COUNCIL

Lansing, Michigan

October 6, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President [redacted] [redacted].

Present: Councilmembers Adado, Belen, Benavides, [redacted], Creamer, Lindemann, Schmidt and Worthington (8)

Absent: None

The Clerk announced that a quorum of the Council was present.

A motion was given by Councilmember Creamer.

Order of Allegiance

The Council Proceedings of September 1, 1986 were reviewed and carried.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

October 6, 1986 at 7:00 o'clock p.m. being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

Z-19-86 - 1107, 1109 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided in the Zoning Code he had the privilege of speaking at this time.

No persons spoke.

Referred to Committee on Physical Development

October 6, 1986 at 7:00 o'clock p.m. being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

Z-20-86 - 1037 Lenore; 2001, 2009, 2011 2015 and 2019 S. Logan Street to be rezoned from "B" Residential District to "J" Parking Districts.

The Council President announced that if there was anyone present who had any suggestions or objections to make

to the proposed amendment to the classifications provided for in the Zoning Code, he had the privilege of speaking at this time.

Lucile J. Ford, owner of property at 1037 Lenore, spoke in opposition. Remarked that the church did not own property at 1037 Lenore nor 2019 S. Logan Street.

Mary Jane Cook, 1032 Lenore, spoke in opposition.

Jim Foulds, Director of Planning Department, stated the Planning Board had moved for denial of the rezoning.

Referred to Committee on Physical Development

October 6, 1986 at 7:00 o'clock p.m. being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

Z-21-86 - 3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

No persons spoke.

Referred to Committee on Physical Development

THE PUBLIC MAY ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICE AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3 MINUTES ON ANY ONE ITEM.

Resolution 4g and Committee Report 3 were pulled from the agenda.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Peddler - Earl E. Ellis, Tyrone Dabney

Public Drivers - Roger E. Estes, Richard Frederick Pratt, Thomas Scott Gallaghers

Referred to Committee on General Services

Matter of Default filed in Circuit Court by Robert Halmich vs City of Lansing et al.

Referred to City Attorney

Claims filed by:

a. Claude H. Mathis for sewer back up.

b. Geoffrey Seidlein, Atty. representing Lansing Shell Car Wash at 6109 South Cedar Street in regard to the Sewer backing up at the car wash and the service required for the clean up.

c. Richard Fiser in regard to the Willard Street Pump Station Failure and the backup of raw sewerage into basement.

d. Robert and Nanetta Terranova for sewer backup into basement and damage to several items.

Referred to City Attorney

Touche Ross submits reports issued in regard to audit of the Board of Water and Light, City of Lansing for year ending June 30, 1986.

Referred to the Committee on Ways and Means

Consumers Power Company submits Notice of Hearing relative:

a. Authority to establish provision to fund nuclear power plant decommissioning.

b. Approval of a Power Supply Cost Recovery Plan and for authorization of monthly Power Supply Cost Recovery Factors for the calendar year 1987.

c. Approval of a Gas Cost Recovery Factors for Calendar year 1987.

Received and Placed on File

Letter from Doris L. Jones in regard to water rates.

Referred to the Board of Water and Light

MAYOR'S COMMENT ON AGENDA ITEMS:

Mayor McKane spoke relative to his letters 6a (Proclamation for Council Against Domestic Assault Awareness Week - presented to Joyce Cook and Linda Lane, members of the Council Against Domestic Assault); 6b (Thank you letter for assistance with R.E. Olds/Impression Five Riverfest Rally Car & Truck Show - Labor Day Weekend); 6c (Reappointment of Derwood L. Boyd to the Capital Region Airport Authority Board); 6l (Boarshead withdrawal of request for emergency funding); 6m (Expansion of the Lansing Police Canine Unit); and 6o (Final report on City's Financial Condition at June 30, 1986).

Councilmember Adado left the meeting.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following applications and bonds for licenses:

Peddler - Earl E. Ellis, Tyrone Dabney

Public Drivers - Roger E. Estes, Richard Fred Pratt, Thomas Scott Gallagher

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Councilmember Adado returned to the meeting.

The COMMITTEE ON PHYSICAL DEVELOPMENT

To whom was referred the proposed resolution regarding Board of Water and Light water rates,

Reports as follows: The Committee refers this resolution, without action by the City Council, to the Board of Water and Light for consideration prior to final approval of the proposed water rate increase. The Committee asks the Board give serious thought to elimination of the "commodity charge" on water billings and a restructuring of water rates to a "commodity used" basis. The City Council approved a similar change regarding sewage disposal in response to public demand, with no negative effect on revenues. This concept rewards customers who strive to conserve water, one of our most precious natural resources.

Signed:

CHARLES M. CREAMER
ALFREDA SCHMIDT
LUCILE E. BELEN
Committee on Physical Development

By COUNCILMEMBER—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARD

President Benavides and
Members of Lansing City Council

RE: Claim of York and Anna Wang

Dear President Benavides and
Members of Lansing City Council:

On May 12, 1986, Anna and York Wang, 204 Ken Drive, Lansing, filed a claim for \$152.50 to cover the cost of a special assessment by the City for having had their lawn mowed by a contractor hired by the City.

This claim was investigated by the Chief Code Compliance Officer who reported that on August 29, 1985, an inspector found the vacant lot located north of 1310 Cedar Street and south of 1318 Center Street, to be in violation of Section 21-8(10) of Chapter 26 of the Lansing Code Ordinances because the grass was in excess of 12 inches. The claimants were notified of this on the same date. The lot was reinspected on September 11, 1985 and the viol-

had not been cured. Consequently, the City hired a contractor to cut the grass on September 17, 1985 in one hour's time. After the grass had been cut by the City, claimants called the Chief Code Compliance Officer and stated that they had hired two boys to cut the grass, although they had not observed the boys cut the grass. Had the contractor found the grass cut, he would have sent written notice to the City, as is established practice.

Based on the above facts and Section 21-13 of Chapter 21 which authorizes the assessment, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

President Tony Benavides
and City Councilmembers

RE: Parade Application - Mayor's Parade Committee

FROM: Police Chief Richard A. Gleason

Attached is an application for a Veterans Day Parade from the above-referenced organization, scheduled for 7:30 p.m. on Tuesday, November 11, 1986, which has been signed by all the necessary departments.

Our personnel estimate this will cost the City a total of \$1087.50, which represents two Sergeants, ten Police Officers and twelve vehicles for three hours.

This is being sent to you for final action.

By COUNCILMEMBER SCHMIDT—

That we concur in the request and said application be approved having received the signatures of all the required departments.

Carried.

October 2, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides and
Members of Lansing City Council:

Attached is the signed affidavit of disclosure by Larry Ingalls for doing business with City of Lansing. This is filed pursuant to the requirements of subsection 5-505.1 of the Lansing City Charter.

Sincerely,

RITA M. BAUMAN
City Clerk

Received and placed on file

October 2, 1986

Mayor Terry McKane,
Council President Antonio Benavides
and City Council Members

Dear Mayor McKane and Councilmembers:

At its regular scheduled meeting, the Economic Development Corporation Board of Directors approved the attached Resolution Amending Prior Resolutions and Recommending Project Plan for the LGH Office Building.

Sincerely,

EMERSON B. OHL
Executive Director

Referred to the Committee on Economic Development

October 1, 1986

Mayor Terry McKane,
Council President Antonio Benavides
and City Council Members

RE: Art Van Furniture
EDC Project

Dear Mayor McKane and Councilmembers:

At its regular monthly meeting, the Economic Development Corporation Board of Directors approved a Resolution Consenting to the Transfer of Project Jurisdiction for the Art Van Furniture.

It is the desire of Art Van Furniture to transfer their project jurisdiction to the Michigan Strategic Fund. Therefore, all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

Sincerely,

EMERSON B. OHL
Executive Director

Referred to the Committee on Economic Development

October 7, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and Councilmembers:

I herewith submit for your consideration and confirmation the reappointment of Derwood L. Boyd to the Capital Region Airport Authority Board. The term will expire October 14, 1990.

I trust you will give careful consideration to the reappointment of Derwood L. Boyd to this important Board.

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and Derwood L. Boyd be reappointed to the Capital Region Airport Authority Board.

Carried.

DATE: 9/17/86

TO: Committee on Ways and Means

FROM: Louis S. Klimecky, Chief of Internal Audit
Edward J. Piloske, Principal Internal Auditor

SUBJECT: Concluding Audit of Civic Center
Concessioners and Caterers Fee Revenues

Since the City is relinquishing jurisdiction over the Civic Center on September 30, 1986, this financial Compliance Segment Audit of Civic Center Concessioners and Caterers Revenue is a concluding audit. The audit indicates that certain exceptions have been on-going for several years. The audit presents the current status of certain conditions that lend themselves to correction. We hope that this concluding audit and the two prior audits will assist the new Authority in the formulation of policy and procedures pertaining to contractual relationships with concessioners and caterers.

Referred to the Committee on Ways and Means.

DATE: 9/29/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Thank you letter for assistance with R.E.
Olds/Impression Five Riverfest Rally Car & Truck
Show - Labor Day Weekend

The attached correspondence is submitted for your information

Received and Placed on File

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-35-86, 6800-7000 Block South Cedar St.
Vacation of Excess Right-of-Way

The attached material is submitted with my concurrence. I recommended that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass and Trash Problems in Glenburne Area

The attached correspondence prepared by James Kzeski, Director of Building Safety, is submitted for your information.

Received and Placed on File

DATE: 9/30/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29 (\$1,615.24)

The attached material is submitted with my concurrence.

I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and said grass assessment be placed on the assessment roll.

Carried.

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Sale of Vacant Lot - 131 Garden Street (NDA
#4) LS-16-86

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Title Search/Board-Ups Assessments Y-1
(\$3,233.63)

The attached assessments are submitted with my concurrence. I recommend that you review them and take the suggested action as soon as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the Title Search/Board-ups assessments in the amount of \$3,233.63 be placed on the Y-1 assessment roll.

Carried.

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Demolition K-62 for December 1986 Tax Roll
(\$4,285.00)

The attached assessment is submitted with my concurrence for your action. I recommend that you review this request and take requested action as soon as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the K-62 Demolitions in the amount of \$4,285.00 be placed on the December 1986 Tax Roll.

Carried.

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Public Hearing:
5312 South Waverly, 824 Riverview and 824 Middle

The attached request for public hearing is submitted with my concurrence for your action

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the public hearing be set for October 20, 1986 for properties at 5312 South Waverly, 824 Riverview and 824 Middle Street.

Carried.

DATE: 9/26/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Removal of dying Ash tree on private property

The attached correspondence is submitted for your information

Referred to the Committee on Ways and Means

DATE: 9/29/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: BoarsHead withdrawal of request for
emergency funding

The attached material is submitted for your information.

Received and Placed on File

DATE: 10/2/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Expansion of the Lansing Police Canine Unit

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means and Public Safety and Properties

DATE: 10/1/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means

DATE: 10/3/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Interim Report on the City's Financial
Condition General Fund Balance as of June 30, 1986

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means

PROCLAMATION

Whereas: Half of all married women experience physical violence sometime during their married life; and

Whereas: Domestic violence increases in frequency and severity once it begins and could end in death; and

Whereas: Domestic violence occurs in all ages, races, education levels, and socio-economic groupings and, therefore, could happen to anyone; and

Whereas: The FBI reports that domestic violence is the most under-reported crime in America; and

Whereas: Violence against mates results in economic loss to the nation in billions of dollars annually.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim October 6-12, 1986; as

"DOMESTIC VIOLENCE AWARENESS WEEK"

in Lansing, and urge all citizens to join with me in recognizing the problem and seek assistance to resolve the tragedy of domestic violence.

Given under my hand and the Seal of the City of Lansing this fourth day of October in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. MCKANE
Mayor

Received and Placed on File

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0435

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 934 Center legally described as:

Lot 6, Block 21 of the Original Plat

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on August 14, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on September 15, 1986 to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, therefore, be it resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be it further resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be it further resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be it finally resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0436

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 125-127 Hill legally described as:

The W 1/2 of Lot 4, Block 6,
Green Oaks Addition

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on August 14, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on Sep-

tember 15, 1986 to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, therefore, be it resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be it further resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be it further resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be it finally resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0437

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1000 East Grand River, legally described as:

That part of Lot 3 of Seymour's Subdivision of the SE 1/4 of Section 10, T4N, R2W, described as commencing at the SE corner of Franklin Avenue and Pennsylvania Avenue, in the City of Lansing, thence S. 73 feet, E. 45 feet, N. 73 feet, W. 45 feet to the Point of Beginning

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on August 14, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on September 15, 1986 to review the findings and order of the

Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, therefore, be it resolved, that the owners are hereby directed to comply with the Hearing Officers' order for demolition or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be it further resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be it further resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be it finally resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0438

Resolved by the City Council of the City of Lansing that the Lansing Sports Association Inc. be recognized by the City of Lansing as a non-profit organization.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COUNCILMEMBER ADADO—

I move that Councilmember Creamer be excused from voting on the following resolution.

Carried.

By ECONOMIC DEVELOPMENT COMMITTEE—

RESOLUTION #0439

RESOLUTION SETTING HEARING DATE (LGH Office Building Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7:00 o'clock p.m., Michigan Time, on October 6, 1986, at which the follow-

ing members were present: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington; and the following were absent: none.

The following preamble and resolution were offered by Adado and supported by Belen:

Whereas, this City Council has heretofore approved a Project Area and established a Project District Area for the LGH Office Building Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer"); and

Whereas, Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2 require that in order for bonds to be issued by the Issuer to assist in the financing of the Project, this City Council conduct a public hearing, after notice, and approve the issuance of bonds, all as provided in the Act and Temporary Regulations; and

Whereas, this City Council wishes to set a date for a public hearing on a Project Plan for the Project to be prepared by the Issuer.

Now, therefore, be it resolved by the City Council of the City of Lansing, as follows:

1. A public hearing upon the issuance of bonds in the aggregate face amount not to exceed \$3,500,000 and the Project Plan for the Project shall be held at 7 o'clock, p.m., Michigan Time, on the 27th day of October, 1986, in the City Council Chambers, 10th Floor, City Hall, in the City of Lansing, County of Ingham, State of Michigan. At such hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue and the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

2. The City Clerk is hereby requested to publish, post, and mail notice of such hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act and Temporary Treasury Regulations Section 5f.103-2.

3. The City Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington (7)

Nays: None

Abstentions: Councilmember Creamer (1)

Resolution declared Adopted.

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 6th day of October, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to

and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN
Clerk, City of Lansing

**NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF LANSING**

**PROJECT PLAN FOR THE ECONOMIC
DEVELOPMENT CORPORATION OF THE CITY OF
LANSING**

**LGH OFFICE BUILDING PROJECT AND ISSUANCE
OF LIMITED OBLIGATION REVENUE BONDS**

Notice is hereby given that the City Council of the City of Lansing will hold a public hearing at 7 o'clock, p.m., in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan, on the 27th day of October, 1986, on a Project Plan prepared by The Economic Development Corporation of the City of Lansing for its LGH Office Building Project (the "Project"). The Project is to be initially owned by and undertaken for the benefit of LGH Professional Building Limited Partnership, a Michigan partnership.

The Project consists of the construction and equipping of a medical office building facility to be located adjacent to Lansing General Hospital, between the Jarrett Wing of Lansing General Hospital and Alpha Street, east of Pennsylvania Avenue in the City of Lansing, County of Ingham, Michigan.

The location of the Project Area and the Project District Area in relation to highways, streets, streams or otherwise is indicated in the Project Plan.

Maps, plats, and a description of the proposed Project Plan, including the method of relocating families and individuals who will be displaced from the area, if any, are available for public inspection at the office of The Economic Development Corporation of the City of Lansing, located on the 9th Floor, City Hall, Lansing, Michigan. All aspects of the proposed Project Plan will be open for discussion at the public hearing, including the proposed issuance of limited obligation revenue bonds in the maximum principal amount of \$3,500,000 by The Economic Development Corporation of the City of Lansing to assist in financing the Project. The Project Plan contains further information about the issuance of such bonds and the financial parameters of the proposed bond issue.

The City Council will consider the approval of (i) the Project Plan and (ii) the proposed bond issue only after the public hearing has been completed.

The City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed Project Plan and the proposed bond issue.

RITA M. BAUMAN
Clerk, City of Lansing

**By THE COMMITTEE ON PHYSICAL
DEVELOPMENT—**

RESOLUTION #0440

That the appointment of Mr. Jack E. Morgan to the Plan-

ning Board is hereby confirmed as recommended by the Mayor. Term expires June 1989

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

**By THE COMMITTEE ON PHYSICAL
DEVELOPMENT—**

RESOLUTION #0441

That the appointment of Mr. Grant Hilts to the Board of Zoning Appeals is hereby confirmed as recommended by the Mayor. Term expires June 1988

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

**By THE COMMITTEE ON PHYSICAL
DEVELOPMENT—**

RESOLUTION #0442

P-I-86

**Tentative Preliminary Plat Approval
Coulson Woods Subdivision**

Whereas, the Walter Neller Company has requested tentative preliminary plat approval for a ten lot subdivision for a single family development to be known as Coulson Woods; and

Whereas, the Planning Division has reviewed the preliminary plat and recommended approval subject to conditions; and

Whereas, the Planning Board held a public hearing on September 9, 1986, and recommended approval on September 23, 1986, of said plat subject to the following conditions:

1. That the final plat be developed with all public improvements required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

2. That all lots be graded so surface water will drain properly away from adjacent properties.

3. That the developer preserve as many mature trees and natural vegetation as is possible in the development of these lots.

4. That the developer utilize an underground electrical distribution system, as specified in Section 37-33.1 of the Lansing Subdivision Regulations.

5. That the necessary easements be provided for installation of utilities.

6. That the requirements of all responding agencies be complied with.

7. That City Council initiate rezoning of the property from "DM-1" Residential to "A" Residential District prior to final plat approval; and

Whereas, the Committee on Physical Development has reviewed the report of the Planning Board and concurs therewith;

Now, therefore, be it resolved that the tentative preliminary plat of Coulson Woods be approved subject to the above conditions and be in force for one (1) year;

Be it further resolved that the Clerk be directed to notify the petitioner, and surveyor of said action.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0443

P-4-79
Trappers Cove #4
Final Plat

Whereas, Edward Rose & Son, Company has requested final plat approval of Trapper's Cove #4 Subdivision which is a 10.1 acre parcel with one (1) lot (#6) for the development of four apartment buildings each containing 35 units; and

Whereas, the Planning Division has reviewed this submission and finds that it is in substantial conformance with the final preliminary plat approved September 3, 1979 as modified in 1980, 1985, and 1986; and

Whereas, the Planning Board on September 23, 1986, recommended approval of the final plat of Trappers Cove #4 subject to the following conditions:

1. Final security be posted in the amount specified by the Public Service Department and the Department of Parks and Recreation.

2. Final clearance from the Board of Water and Light be obtained for development.

3. That the site be served with all public utilities and facilities, as required at the time of preliminary approval by the various public agencies; and

Whereas, the Committee on Physical Development has reviewed the report of the Planning Board and recommended approval thereof;

Now, therefore, be it resolved that the City Council grant final plat approval to Trappers Cove #4 subject to the above described conditions.

Be it further resolved that the Clerk be directed to notify the petitioner of such action.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0444

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, October 27, 1986 at 7:00 p.m. in the tenth Floor Chambers of City Council for the purpose of opposing and/or approving Special Land Use SLU-5-86 - 5600 South Logan Street for construction of a church.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0445

Public Improvement V

Resolved, by the City Council of the City of Lansing:

That the supplementary special assessment roll for 19B New sidewalk construction benefiting the following properties:

2805 Dunlap		
2711 Dunlap		
2923 Ingham Street		
2800 Dunlap		
2714 Dunlap		
2922 Viking		
Depth	Sq. Ft.	Cost
4 inches	2967	6,379.05
6 inches	351	814.32
Total Assessed		\$7,193.37

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rate amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before January 6, 1987.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0446

Public Improvement V

Resolved, by the City Council of the City of Lansing:

That the supplementary assessment roll for the cost for the removal of a dying ash tree located on private property, 920 Chicago Avenue, and hazardous to the public right-of-way.

Total assessed \$300.00

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll on or before January 6, 1987.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0447

Whereas, EJS Housing Partnership intends to assign all of its rights, title and interest in and to Parcel V of Capitol Commons and the Contract for Sale of Land for Private Redevelopment between the City of Lansing and EJS Housing Partnership dated October 15, 1980, to Capitol Commons II Limited Dividend Housing Association Limited Partnership; and

Whereas, Section 10 of the Contract requires City approval of such assignment;

Now, therefore, be it resolved, that the City Council of the City of Lansing does hereby approve the assignment of rights, title and interest in Parcel V of Capitol Commons and to the Contract for Sale of Land for Private Redevelopment from EJS Housing Partnership to Capitol Commons II Limited Dividend Housing Association Limited Partnership.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE CITY COUNCIL—

RESOLUTION #0448

Whereas, it is the purpose of this Resolution to certify that Article IV of Chapter 29 of the Code of Ordinances of the City of Lansing (Ordinance No. 717), and the State Housing Development Authority Act of 1966, being Act No. 346 of the Public Acts of 1966, as amended (hereinafter the "Act") specifically provide tax exemption to sponsors who construct housing for persons of low and moderate income pursuant to the Act and which are located in areas designated by the City of Lansing as a blighted area pursuant to the Rehabilitation of Blighted Areas Act of 1945, being Act No. 344 of Public Acts of 1945, as amended; and

Whereas, it is the further purpose of this Resolution to confirm the intent of the City in adopting Ordinance No. 717, notwithstanding the provisions of Section 15(a) (5) of the Act, to effectuate a contract between the City and a sponsor of such a housing development with the Michigan State Housing Development Authority (hereinafter the "Authority"), as third party beneficiary thereunder, the same being essential to the Authority and Sponsor (as here-

inafter defined) with regard to development of Capitol Commons II, MSHDA Development No. 749; and

Whereas, the Capitol Commons II Limited Dividend Housing Association Limited Partnership (hereinafter the "Sponsor"), has offered, subject to receipt of a Mortgage Loan from the Authority, and in specific reliance upon Ordinance No. 717 and this resolution, to erect, own and operate a housing development identified as Capitol Commons II, MSHDA Development No. 749 (hereinafter the "Development") on certain property in the City of Lansing, more specifically described as follows:

The West 42.88 feet of Lot 4; entire Lots 5, 6, 7, 8, 9 and 10; the West 115.5 feet of Lots 11, 12 and 13 of Block 4. Also, the West 43 feet of Lot 6; Entire Lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, of Block 5. Also, the west 15 feet of lot 4; Entire Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; and the West 15 feet of Lot 15, Block 6; all being in Bush, Butler, and Sparrow's Addition to the City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 51 of Deeds, Page 392, Ingham County Records.

to serve persons of low and moderate income; and

Whereas, it has been determined that Capitol Commons II, MSHDA Development No. 749, is of the class of housing developments that are eligible for tax exemption pursuant to the provisions of the Act and the Ordinance No. 717.

Now, therefore, it is hereby resolved that the tax exempt status of the Development granted pursuant to the Act and Ordinance No. 717, Article IV of Chapter 29 of the Code of Ordinances of the City of Lansing, shall remain in effect and shall not be terminated so long as the Mortgage Loan for the housing development remains outstanding and unpaid, or the Authority has any interest in the property; and

Be it further resolved, that, notwithstanding the provisions of Section 15(a)(5) of the Act, a contract between the City and the Sponsor with the Authority as third party beneficiary thereunder, to provide tax exemption pursuant to the provisions of Ordinance No. 717, Article IV of Chapter 29 of the Code of Ordinances of the City of Lansing and the State Housing Development Authority Act of 1966 (Act No. 346 of the Public Act of 1966, as amended), is effectuated by Ordinance No. 717 and the adoption of this Resolution.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0448

Whereas, the Construction of a roadway connecting South Cedar Street and South Washington Avenue in the vicinity of the I-96 expressway will resolve certain traffic flow and congestion problems in the southern area of the City of Lansing; and

Whereas, the City of Lansing has decided to construct a roadway connecting South Cedar Street and South Washington Avenue in the area of the southern City limits of Lansing; and

Whereas, the City of Lansing has engaged the services of Snell Environmental Group to aid the City Engineering Division in developing the most economically feasible and efficient design of a safe roadway to ease the traffic flow problems within the above described area; and

Whereas, the City Engineering Division, and the Department of Planning and Municipal Development, and Deleuw Cather, Inc. have analyzed, studied and considered the impact, including the environmental impact of several alternative routes for construction of the roadway connecting South Cedar Street and South Washington Avenue in the southern area of the City and thereafter have developed a specific roadway route along the north side of the I-96 expressway that has been approved by the Federal Highway Administration; and

Whereas, the developed route was discussed and reviewed in public hearings by the City Traffic Board, City Public Service Board and City Planning Board; and

Whereas, it was the recommendation of the City Traffic Board, City Planning Board and City Public Service Board that the roadway be constructed; and

Whereas, by prior resolution, Lansing City Council approved the settlement of a Federal Court lawsuit thereby approving and adopting plans for the construction of the roadway connecting South Cedar Street and South Washington Avenue; and

Whereas, the City of Lansing has set aside funds and has proceeded with negotiations for properties located within the area needed for the construction of the roadway as approved and has already acquired various properties; and

Whereas, there remains a property legally described as:

Commencing at the Center of Section 9, T3N, R2W, City of Lansing, Ingham County, Michigan; thence N 89° 50' 02" W, along the East-West 1/4 line of said Section 9, 18.48 feet; thence S 00° 04' 30" W, parallel with the North-South 1/4 line of said Section 9, 191.31 feet to the point of beginning of this description; thence S. 00° 04' 30" W, 118.38 feet; thence S 62° 34' 13" W 424.37 feet; thence N 00° 04' 30" E, 118.38 feet; thence N 62° 34' 13" E, 424.37 feet to the point of beginning. (Vacant land containing approximately 1.02 acres, portion of No. 3305-09-326-331-2.)

that is unacquired property located within the area needed for the construction of the roadway provided in the plans, without which the construction of the roadway would be impossible; and

Whereas, the Development Division of the Department of Planning and Municipal Development has submitted a good faith offer to purchase the aforementioned unacquired property at a value not less than the value of the property determined by an independent appraiser to the property owner; and

Whereas, the Development Division of the Department of Planning and Municipal Development has allowed the property owners the opportunity to review the independent appraisal on the aforementioned unacquired property; and

Whereas, sufficient monies are available to purchase the aforementioned unacquired property at the value of the property as determined by the independent appraiser and said sum has been deposited with the City Treasurer; and

Whereas, the owners did not accept the good faith written offer of the City to purchase the aforementioned unacquired property, and the City and owners have not reached agreement for its purchase by the City;

Now, therefore, be it resolved that it is necessary for a roadway to be constructed connecting South Cedar Street and South Washington Avenue in the vicinity of the I-96 expressway in order to ease the traffic flow problems within the above described areas and that said construction will be beneficial to the residents of the City of Lansing; and

Be it further resolved that the City of Lansing intends to construct the roadway; and

Be it further resolved that the aforementioned unacquired property is necessary for the construction and operation of the roadway; and

Be it finally resolved that the City Attorney's Office is hereby authorized to commence condemnation proceedings under the applicable State law in order to acquire the aforementioned unacquired property thus ensuring the construction of the roadway.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0449

Fiscal Year 1986

That the following transfer be approved:

\$18,995.00 from Public Service Refuse Fund Retained Earnings
A/C 596-000-000-395

\$1,991.00 to Public Service Refuse Wages Temp. (Unanticipated heavy spring bulk collection required more than anticipated use of temporary labor)
A/C 596-550-000-707

\$451.00 to Public Service Refuse Overtime-Hourly (Heavy spring bulk collection required more than anticipated use of overtime)
A/C 596-550-000-709

\$194.00 to Public Service Refuse Misc. and Operating Expense (Higher than anticipated building maintenance expenses overdraw account)
A/C 596-550-000-741

\$15,294.00 to Public Service Refuse Landfill Fees (Heavier than anticipated spring bulk collections increased landfill costs)
A/C 596-550-000-929

\$1,065.00 to Public Service Refuse Equipment Rental (Due to condition of bulk trucks, it was necessary to rent equipment from outside vendors to maintain collection)
A/C 596-550-000-943

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PAT LINDEMAN

SIDNEY P. WORTHINGTON
JAMES D. BLAIR
Committee on Ways and Means

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0450

Fiscal Year 1987

That the following transfer be approved:

\$3,633.00 from Reserve for Contingency
A/C 101-941-000-963

\$3,633.00 to District Court Expenditures (Funding
for District Court Wage Settlement for FY 87)
A/C 101-136-000-700

\$3,633.00 from District Court-Estimated Revenues
A/C 760-000-000-160

\$3,633.00 to District Court-Salaries and Longevity
(Funding for District Court Wage Settlement for
FY 87)
A/C 760-136-000-702

The Balance in the REserve for Contingency Fund after
this transfer is \$667,387.00

I hereby certify that this is a properly drawn and eligible
transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
JAMES D. BLAIR
Committee on Ways and Means

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

INTRODUCTION OF ORDINANCES

The following ordinances of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-22-86 - Mt. Hope Avenue at Bradley (Southwest corner) to be rezoned from "C" Residential District to "F" Commercial District.

Z-24-86 - 1035 East Saginaw to be rezoned from "C" Residential District to "D-1" Professional Office District.

Z-25-86 - 208 East Mt. Hope Avenue to be rezoned

from "B" and "C" Residential Districts to "D-1" Professional Office District.

Z-26-86 - 1015 McKim Avenue to be rezoned from "A" Residential District to "J" Parking District. were introduced by Councilmember Creamer, read a first and second time by their titles and referred to the Committee on Physical Development.

By COUNCILMEMBER CREAMER—

RESOLUTION #0451

Resolved that a public hearing be set for Monday, October 27, 1986 at 7:00 p.m. in the 10th floor Chambers of the City Council for the purpose of opposing and/or approving the following rezoning petitions:

Z-22-86 - Mt. Hope Avenue at Bradley Street (southwest corner) to be rezoned from "C" Residential District to "F" Commercial District filed by Dale A. Nemeth

Z-24-86 - 1035 East Saginaw Street to be rezoned from "C" Residential District to "D-1" Professional Office District filed by Charles Abraham.

Z-25-86 - 208 East Mt. Hope Avenue to be rezoned from "B" and "C" Residential Districts to "D-1" Professional Office District filed by Charles Fleck and William Murry.

Z-26-86 - 1015 McKim Avenue to be rezoned from "A" Residential District to "J" Parking District filed by Calvary United Methodist Church.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing that the rules of Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Request for Appropriation of Funds submitted by Councilmember Lindemann

Referred to the Committee on Ways and Means

Petitions to construct Curb and Gutter and Storm Sewer on Creston Avenue from Sheridan Road to 400 Ft. south of Howe Street filed by Tom Miller at end of meeting.

Referred to the Department of Public Service

By THE COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0452

Resolved by the City Council of the City of Lansing that the application of William Ray Backus for license as a Public Driver in the City of Lansing is hereby approved.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair,

Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

By THE CITY COUNCIL OF THE CITY OF LANSING—

RESOLUTION #4053

Whereas, former TV-news reporter Jeff Criley will soon be leaving the Lansing area for a new job in Omaha, Nebraska;

Now, therefore, be it resolved, the Lansing City Council hereby wishes Jeff well and presents him with the following verse:

From this land leaves a reporter known as "Slick"
To become Nebraska's version of Tim Skubick.

In an Omaha television station he will fit,
But soon the legislature in Lincoln will know this little twit.

Arriving from the North with a joke and a grin,
After his first report you realize the joke is him.

"Did you hear about the farmer with a rubber glove
and a horn?"
Oh, Criley's going to do well out there with all that corn.

After an interview, all you want is a well-stocked bar
As he grins and says, "Hey, I'm going to make you a star."

On a story he'll hop with no facts but a hunch
And after blowing it he'll say, "Hey, let's do lunch!"

Talk about compliments; he'll really pout it on;
But with Criley, good journalism is an oxymoron.

But seriously, Jeff, you've been fair and objective.
We offer sincere best wishes for your new job prospective.

So whenever you are lonely, sad and forlorn,
And everything you see is a field of corn.

Think of us here in Lansing when you feel that blue,
And always remember, Criley, WE MADE YOU!

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Schmidt and Worthington (5)

Nays: Councilmembers Blair, Creamer and Lindemann (3)

Absent: None

By THE CITY COUNCIL—

RESOLUTION #0454

Whereas Mr. Harvey J. Sackett will soon celebrate his 80th birthday; and

Whereas, Harvey graduated from Michigan State University in 1937 and was employed by the Board of Water and Light from 1940 until his retirement in 1973, a period of 33 years; and

Whereas, Harvey is known to all his friends as a fun-loving, generous man: a worker of wood, world traveler,

fisherman, antique buff and maker of fine wines; and

Whereas, Harvey and his wife Gladis have resided at 1115 South Genesee since 1942, and over the years have earned a reputation as very special "good neighbors" — always there with a smile and a helping hand; and

Whereas, Harvey and Gladis' neighbors wish to thank them for their years of caring by honoring them at a special "block party" celebration Saturday, October 11, 1986;

Now therefore be it resolved, the Lansing City Council salutes Mr. Harvey Sackett on the occasion of his 80th birthday; and

Be it further resolved, the City Council, on behalf of the Sackett's many friends in Lansing, wishes both Harvey and Gladis many, many happy returns.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

INTRODUCTION OF ORDINANCE

The following Ordinance of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Providing for the Revision of Chapter 22 by adding new Article IV containing sections numbered 22-62 through 22-69 inclusive, which provides for the prohibition of the possession, manufacture, delivery, or sale and advertisement of drug paraphernalia, and to provide penalties for the violation thereof.

was introduced by Councilmember Creamer.

By COUNCILMEMBER CREAMER—

RESOLUTION #0455

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, October 13, 1986 at 700 p.m. in the 10th Floor Chambers of the City Council for the purpose of opposing and/or approving the ordinance providing for the Revision of Chapter 22 by adding new Article IV containing sections numbered 22-62 through 22-69 inclusive, which provides for the prohibition of the possession, manufacture, delivery, or sale and advertisement of drug paraphernalia, and to provide penalties for the violation thereof.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington (8)

Nays: None

Absent: None

REMARKS BY THE MAYOR

Street Closing and partial closings were announced.

Energy Closet help needed.

Announced the CROP Walk to be held Sunday, October 12, 1986

REMARKS BY THE CITY COUNCIL:

Councilmembers Worthington, Adado and Schmidt asked questions regarding the work on the Willard Street Pump Station.

Councilmembers Adado and Lindemann spoke regarding the time frame for the new police officers to be placed on duty.

Councilmember Lindemann spoke regarding Foster Park, an area at the end of Foster and Kalamazoo Streets, and the clean-up needed.

Councilmember Schmidt inquired as to the practice of the bidding procedure of the new Radisson Hotel.

Leo Wesley, 3304 Creston Avenue presented petitions for curb and Gutter and Storm Sewer on Creston Avenue from Sheridan Road to 400 ft. south of Howe Street. He also spoke regarding the need for police to patrol their area to monitor the traffic situation due to construction on Sheridan Road.

Esther Torres, 3229 Creston Avenue spoke regarding safety of their street. Truck traffic has presented a problem.

Tom Miller, 207 Lynwood Circle, questioned the process of bonding for Embassy Hotel Project.

Ed Vogt, 1729 Cadillac Street, thanked City Council for their resolution of tribute for his employment at General 1/2 Motors and the 10 years spent on the Economic Development Board.

David Welch spoke.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried

Council adjourned at 9:00 p.m.

LANSING, MICHIGAN

RITA M. BRAUMAN
City Clerk

R.M.B.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, October 13, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

October 13, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt, Worthington—7.

Absent: Councilmember Creamer—1.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen

Pledge of Allegiance.

Council Proceedings of September 8 and 15, 1986 were approved and carried.

Reviewing Assessment Roll No. 229

This is the time set for hearing appeals on the special assessment roll for storm sewer, sanitary sewer, curb and gutter on proposed Edgewood Blvd. Extension.

No persons spoke.

Councilmember Belen stated the public hearing regarding this Assessment Roll would have to be rescheduled due to the notices from City Assessor's office not being sent to owners in time for this public hearing.

Referred to the Committee on Physical Development.

PUBLIC IMPROVEMENT III

RESOLUTION #0456

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That the Special Assessment Roll for Storm and Sanitary Sewers and Curb and Gutter for the proposed Edgewood Blvd. Extension.

Assessment Roll No. 299

PROPERTY BENEFITED:

All lands fronting on proposed Edgewood Blvd. Extension from the end of the existing street at the west property line of Lot 10, Kahres Farm Subdivision to 1000 ft. west of Washington Avenue and to create a new right turn lane along S. Cedar Street onto Edgewood Blvd. beginning at a point approximately 2300 ft. north of Edgewood Blvd.

The revised estimated expense of said improvements based upon construction bids are as follows:

Project No.—PS 85034

Assessment Roll—299 Storm
Intersection & City Contribution—\$267,826.19*
Assessable to Property Owners—\$93,944.07
Total Project Cost—\$361,770.26

Assessment Roll—San.
Intersection & City Contribution—\$21,909.80*
Assessable to Property Owners—\$121,287.05
Total Project Cost—\$143,196.85

Assessment Roll—C&G
Intersection & City Contribution—\$124,900.60***
Assessable to Property Owners—\$32,887.80
Total Project Cost—\$157,788.40

Assessment Roll—Roadway
Intersection & City Contribution—\$1,105,923.28***
Assessable to Property Owners—\$0.00
Total Project Cost—\$1,105,923.28

Assessment Roll—Totals
Intersection & City Contribution—\$1,520,559.87
Assessable to Property Owners—\$248,118.92
Total Project Cost—\$1,768,678.79

*401-787-010-974.677—\$247,697.60
*401-452-020-974.01—\$20,128.59
**590-536-608-974—\$21,909.80
***401-452-020-974.01—\$1,230,823.88

All projects are a part of the Edgewood Blvd Construction, Phase I, PS 85034.

returned by the City Assessor be received and placed on file, and the city clerk be directed to publish a notice thereof by publication in a local newspaper five days in accordance with Section 28-17, of Chapter 28 of the Code of Ordinances.

Resolved further, that the City Council will meet at the Council Rooms on Monday, the 27th day of October, 1986 at 7 o'clock p.m. for the purpose of reviewing said assessment roll.

I hereby certify that funds are available for the City of Lansing's share of said project.

CHARLES S. REMENAR
Deputy City Controller

Adopted by the following vote:

Unanimously.

PUBLIC HEARING

October 13, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed transfer of a Commercial Facilities Exemption Certificate located at 405 S. Grand Avenue to Art C. Baryames from Martin Investment Properties, Inc.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed transfer of Commercial Facilities Exemption Certificate, they will have the privilege of speaking at this time.

John Peckham, representing Martin Investment Properties, Inc., spoke and said he was available if there were any questions needing to be answered.

Referred to the Committee on Economic Development.

October 13, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance providing for the Revision of Chapter 22, by adding new Article IV containing sections numbered 22-62 through 22-69 inclusive, which provides for the prohibition of the possession, manufacture, delivery, or sale and advertisement of drug paraphernalia, and to provide penalties for the violation thereof.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance amendment they will have the privilege of speaking at this time.

Speaker in favor of the Ordinance were:

Nancy Erickson, 314 Memphis St.

Mary Haney, 1312 Roosevelt

Lois Langtry, Shady Oak Lane, spoke as representative of the Lansing P.T.A. Council.

Lester Hansens, 3135 North Grand River

Speakers against the Ordinance were:

Dale Dobberstein, 916 W. Cavanaugh

James Pereida, owner of Su Casa Boutique, Cedar and Maple Sts.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Resolution 6a and 6b and 7 were pulled from the agenda.

George Cutler, representing the Lansing-North Lansing Electric Railroad Museum spoke regarding Communication No. 6.

Grady Porter, Ingham County Commissioner spoke regarding Communication No. 5. Also remarked on the changing of the name of St. Joe Park to the Richard Letts Park.

Loretta Brewer, 431 N. Cedar St. spoke regarding Communication No. 5.

Sam Bono and John Cobo representing the building trades in Lansing spoke in support of resolution 3c.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been received for licenses:

Sign Erector—Gardner Signs, Inc.
Beer and Wine Carry Out—Radisson Hotel

Referred to the Committee on General Services.

Claims filed by:

a. Glenn C. Reagan, 2121 E. Michigan Avenue, for damages to automobile from a city garbage truck backing into it.

b. Janet Postma, Okemos, Mi. for automobile scratched on top by the gate-arm while exiting the Washington Square Parking Lot at Washtenaw St.

Referred to the City Attorney.

Petition filed for rezoning Z-29-86—317 N. Chestnut St. described as, Lots 3 and 4, Block 87, Original Plat, City of Lansing, Ingham County, Michigan, to be rezoned from "DM-3" Residential District to "D-1" Professional Office District filed by Chris A. Bergstrom.

Referred to the Mayor and Planning Board and City Attorney.

Petitions filed to reduce the speed of traffic near the intersection of Southgate and Spokane near Kendon School.

Referred to the Mayor and Committee on Public Safety and Properties.

Letter and petitions submitted by the Friends of Lincoln Center 1986 Reunion requesting to change the name of Kingsley Center to Morrison L. Ryder Center.

Referred to the Mayor Land Committee on Public Safety and Properties.

George Cutler, Lansing-North Lansing Electric Railroad Museum submits request for special license and waiver of fees for moving the "MA" Tower from Michigan Ave./Conrail to Factory Street.

By COUNCILMEMBER ADADO:

That we waive the fees for the licenses required but not the insurance requirements.

Carried.

Letter from Ingham County Board of Commissioners submitting two-year budget for 1987-88 for the provision of two Animal Control Officers in the City of Lansing area.

Referred to the Mayor and Committee of the Whole.

Letter of complaint from Michael H. West, Director, Publicom Association Management Services, Inc., regarding wording of announcement and instructions about monthly parking permits in North Grand Avenue garage.

Referred to the Mayor.

Gavin Gardi, 137 Allen St., submits letter regarding sewer work to be done on Allen St. between Prospect St. and Michigan Ave.

Referred to the Mayor.

Letter from Steven Thomas regarding application for a liquor license at 1620 Perkins.

Referred to the Committee on General Services.

Department of Natural Resources submits permit for the placement of fill in the Grand River flood plain as requested by Russell Galvin.

Received and Placed on File.

Councilmember Lindemann entered the meeting.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Letter 4 under Reports of City Offices and Boards regarding clarification of status of Lansing Civic Center Board.

Mayor's letter 5a (Thank you letter from The Rathbun Agency regarding renovation).

Councilmembers Adado and Lindemann left the meeting.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES

To whom was referred the following application and bonds:

SIGN ERECTOR LICENSE: Gardner Signs, Inc.
BEER and WINE CARRY OUT: Radisson Hotel
reports as follows: That said applications be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Councilmember Adado returned to the meeting.

COMMITTEE REPORTS

The Committee on Public Safety and Properties, to whom was referred the Mayor's request for funding to expand the Police Department's Canine Program,

Reports as Follows: The Committee has reviewed the Mayor's request and recommends approval. This matter is hereby referred to the Committee on Ways and Means for their consideration.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

Councilmember Lindemann returned to the meeting.

The Committee on Public Safety and Properties, to whom was referred the verbal report from the Assistant Chief of Police on the status of security at Potter Park,

Reports as Follows: The Committee Requests a report from the Administration on the scheduling of contract watchmen for overnight security at Potter Park. Such report is requested for discussion at the Committee's next regular meeting on October 16, 1986.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

The Committee on Public Safety and Properties, to whom was referred the verbal report from the Assistant Chief of Police on the status of security in Lansing parks,

Reports as Follows: By Committee report adopted August 25, 1986, this Committee requested the Mayor

to develop recommendations and a timetable to enhance and improve the security and safety of users of Lansing parks and public facilities in the downtown environs. To date, the Committee has not received a response from the Mayor. The Committee requests that appropriate representatives from the Police Department and the Parks and Recreation Department attend the October 16, 1986, Committee meeting prepared with written recommendations on ways to improve parks security.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

October 2, 1986

President Benavides and Members
of Lansing City Council

RE: Council Claim of David Sutton

Dear President Benavides
and Members of City Council:

On August 18, 1986, David Sutton, 908 Justamere Avenue, Lansing, filed a claim for car damage allegedly due to driving over a City manhole cover on August 11, 1986 on the corner of Justamere and Georgia Streets.

This claim was investigated by the Public Service Department which reported that its complaint files do not contain any road surface or manhole cover complaints on Justamere or Georgia Streets on or before August 11, 1986.

MCLA 691.1403 provides that a municipality is not liable for road defects unless it know or should have known of the particular defect and had a reasonable time to repair the defect before the damage took place.

Since the City did not know of the defect and there is no evidence that it would have known of the defect, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

October 3, 1986

President Benavides and Members
of Lansing City Council

RE: Council Claim of Lorna J. Gum

Dear President Benavides
and Members of City Council:

On August 25, 1986, Lorna J. Gum, 5218 Sunrose, Lansing, filed a claim for reimbursement of \$186 for a storage fee for her car which had been stolen by an unknown thief and recovered by the Lansing Police Department. The car was stored at a local garage.

On September 30, 1986, this office contacted the Claimant who stated that on the previous day she had been informed by her car insurance company that she would be reimbursed for the entire storage fee. She added that she would inform her insurance company that it should seek reimbursement from the City.

Since the Claimant has been reimbursed by her insurance and since the insurance company is likely to seek reimbursement from the City for the same amount, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

October 10, 1986

President Benavides and Members
of the Lansing City Council

RE: Legal Council for Tax Anticipation Notes and
1966 Parking Revenue Bond Refunding

Dear President Benavides and
Members of the City Council:

As recent changes in Federal Tax law did not eliminate the advantage of issuing Tax Anticipation Notes, the City need to obtain outside legal counsel for issuing such notes in November. Additionally, outside bond counsel is needed to assist in calling the City's outstanding 1966 Parking Revenue Bonds.

In both instances, this office recommends retention of the firm of Miller, Canfield, Paddock and Stone. They have ably represented the City in its last two issuances of consolidated Tax Anticipation Notes and have ample expertise to advise the City in calling its 1966 Parking Revenue Bonds. Additionally, they have offered to represent the City in these matters at their usual hourly rate plus expenses with a maximum total hourly charge of \$17,000 for the consolidated Tax Anticipation Note issue and at a maximum charge of \$2,000 in connection with the calling of the 1966 Parking Revenue Bonds.

Your expeditious review of this matter is requested.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That this be referred to the Committee on Ways and Means.

Carried.

October 9, 1986

Council President Benavides and
Members of the Lansing City Council

Dear President Benavides
and Members of City Council:

Attached herewith is a report of application for G.E.M., Inc. (A Michigan Corporation) for a new dance/entertainment permit to be held in conjunction with 1985 Class C license for McCleer's Saloon, 908-910 W. Saginaw.

Sincerely,

RITA M. BAUMAN
City Clerk

By COUNCILMEMBER WORTHINGTON—

That we approve the new dance/entertainment permit to be held in conjunction with 1985 Class C license for McCleer's Saloon, 908-910 W. Saginaw.

Carried.

October 9, 1986

Council President Benavides and
Members of the Lansing City Council

Dear President Benavides
and Members of City Council:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's office by the Budget Director. (Nos. 80, 81 and 82 for FY86 and Nos. 2, 3 and 4 for FY87).

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means.

October 9, 1986

Council President Benavides and
Member of the Lansing City Council:

Attached herewith is a denial letter from the Planning Dept. for a Beer and wine takeout license for the Neighborhood Deli Market, 1620 Perkins St.

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services.

TO: Council President Tony Benavides,
Mayor Terry McKane & City Clerk Rita Bauman

FROM: Edward J. Piloski, Principal Internal Auditor

SUBJECT: FY 85-86 Financial/Compliance Audit of the Investment System of The Treasurer's Common Cash Fund

Enclosed find a Financial/Compliance Audit of the investment system and procedures relative to the Treasurer's Common Cash Fund for the fiscal year ending June 30, 1986.

The audit was conducted in accordance with provision 3-402.3 (a) of the City Charter and the Standards for Audit of Governmental Organizations, Programs, Activities and Functions.

Referred to the Committee on Ways and Means.

Lansing Civic Center

September 24, 1986

Mayor Terry McKane
City of Lansing

Dear Mayor McKane:

This letter is a request for clarification of several questions raised at the September 23rd meeting of the Civic Center Board.

First, it has been rumored the Board will be absolved as of September 30, 1986. However, not one member has yet received official notification from your office. Our question, obviously, is should we continue to meet at our regularly scheduled time or not?

Second, it had been mentioned at one point, the new Civic Center Authority Board may require input from our Board during their transition into the Civic Center operation. As representatives of various segments of the City, we do feel our input to be a substantial asset to the Authority Board. We would like to know if, in fact, this service will be required.

This Board has been quietly and conveniently left in the dark regarding any plans for the Civic Center for several months now. An immediate answer to the above concerns would be greatly appreciated to allow Civic Center Board members enough time to make advance plans for future meetings.

Sincerely,
for Civic Center Board

REX SESSIONS
Chairman

Referred to the Committee on Public Safety and Properties.

DATE: October 8, 1986

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Thank you letter from The Rathbun Agency

RE: Renovation.

Received and Placed on File.

DATE: 10/6/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash in R.O.W. Removal Assessment
for December, 1986 (V-13) \$3,500.91.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the Trash in R.O.W. Removal Assessment for December, 1986 (V-13) \$3,500.91 be placed on the tax roll.

Carried.

DATE: 10/9/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update

The attached correspondence is submitted for your information.

Referred to the Committee on General Services.

DATE: 10/8/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Outstanding encumbrances at June 30, '86

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 10/7/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0457

Resolved by City Council of the City of Lansing:

That the request from G.E.M., Inc. (a Michigan Corporation), for a new Dance/Entertainment Permit to be held in conjunction with 1985 Class C License (McCleer's Saloon, 908-910 West Saginaw), is hereby approved.

Adopted by the following vote:

YEAS: Councilmember Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

By COMMITTEE OF THE WHOLE AND
COMMITTEE ON PUBLIC SAFETY AND
PROPERITIES—

RESOLUTION #0458

Resolved by City Council of the City of Lansing:

Whereas, on February 24, 1986, the City Council approved the Articles of Incorporation for the creation of the Greater Lansing Convention/Exhibition Authority; and

Whereas, the adopted Articles of Incorporation provide for the Greater Lansing Convention/Exhibition Authority to operate and manage the Civic Center and Exhibition Hall; and

Whereas, in order to ensure the success of the Greater Lansing Convention/Exhibition Authority, and Agreement between the City of Lansing and the Greater Lansing Convention/Exhibition Authority is needed in regards to the operation of the parking lots immediately adjacent to the Civic Center and the Exhibition Hall;

Now, Therefore, be it resolved that the Mayor and City Clerk be authorized to execute the attached Parking Agreement between the City of Lansing and the Greater Lansing Convention/Exhibition Authority.

By COUNCILMEMBER BLAIR—

That we consider the Parking Agreement read.

Carried.

By COUNCILMEMBER BLAIR—

That we amend this Agreement on Page 1, Section 2, be deleting the words "and the Authority" leave the word, "shall" and delete the word "each".

This will then read "(2) The City shall receive the average daily revenue etc."

Carried.

Councilmember Blair made explanation of the Parking Agreement.

Discussion was held.

By COUNCILMEMBER LINDEMANN—

That we amend the Agreement by deleting Section 7 on Page 3 of the original agreement and adding new 7:

7. The term of this Agreement shall begin on

November 1, 1986 and continue thereafter until October 31, 1991, except as set forth herein. Upon request of the Authority made within (30) days prior to the annual anniversary of this Agreement, this Agreement shall be reopened for review and renegotiation between the parties.

and the following sub-paragraph C shall be added to paragraph 2 of the Agreement on Page 2:

C. The Authorities' share of the revenue from the Civic Center parking Center parking lot shall not be less than Eighty-Four Thousand Dollars. (\$42,000.00) annually.

By COUNCILMEMBER LINDEMAN—

That the words Eighty-Four Thousand Dollars be changed to read Forty-two Thousand Dollars (\$42,000.00) the same as in the parenthesis.

Carried.

Councilmember Lindemann explained his amendment.

Much discussion was held on Item 7.

By COUNCILMEMBER ADADO—

That we move for the reconsideration of the vote to talk about what was presented as amendments.

Carried.

Much discussion was held regarding a 5 yr. or a 30 yrs. as term of the agreement.

By COUNCILMEMBER BLAIR—

That we recess for five minutes.

Carried.

Council recessed at 8:30 p.m. and reconvened at 8:35 p.m.

By COUNCILMEMBER BLAIR—

That we add the following wording to the end of the amendment for Section 7 by Councilmember Lindemann.

"In the event the lease of the Civic Center to the Authority is terminated or expires, all rights to parking in the Civic Center parking lot pursuant to this agreement shall also terminate."

Adopted by the following vote:

YEAS: Councilmember Adado, Belen, Benevides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

By COUNCILMEMBER LINDEMAN—

That we vote on the amended amendments.

Adopted by the following vote:

YEAS: Councilmembers Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—6.

NAYS: Councilmember Adado—1.

ABSENT: Councilmember Creamer—1.

By COUNCILMEMBER BELEN—

That we adopt the Parking Agreement as amended.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

Councilmember Lindemann left the meeting.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0459

Resolved by the City Council of the City of Lansing:

Act-41-86

2202 Wadsworth

Request use of right-of-way

Whereas, the Colonial Townhouses at 2202 Wadsworth has requested use of a 26.5 feet by 60 feet right-of-way area along Pleasant Grove adjacent to their building at 2202 South Wadsworth; and

Whereas, the Planning staff has reviewed the proposal under Act 285, P.A. 1921; and

Whereas, the staff has determined that;

A) The Colonial Townhouse development wash constructed with inadequate parking,

B) The Purposed parking area will servie the office for Colonial Townhouses, which may alleviate the conflicts between tenant parking and parking for those wishing to access the rental office,

C) The Colonial Townhouse development has several similar parking areas which are well maintained,

D) Parking in the rear yard or Wadsworth front yard area would require the destruction of attractive open areas used by the tenants of the property, and

E) The placement of the parking lot as proposed will lessen the affect on the lot on other residential uses in the area as opposed to placement in the other available yard access; and

Whereas, the Planning staff recommended the use of the property be approved subject to:

1) That the driveway areas have a fifteen feet (15') width as required by the Public Service Department.

2) Approval of landscaping by the Planning Division.

3) Not vacating the subject right-of-way which means, if necessary, the improvements to the right-of-way will be removed at Colonial Townhouse expense.

4) The Colonial Townhouses assuming responsi-

bility for liability and maintain the drives and leased area; and

Whereas, the Planning Board has concurred with the recommendation; and

Whereas, the City Council has approved the use of the subject right-of-way as recommended by the Planning Board;

Now, Therefore, Be It Resolved, that the City Council approves the use of right-of-way adjacent to 2202 Wadsworth along Pleasant Grove Road subject to the following five conditions:

- 1) That the driveway areas have a fifteen feet width, as required by the Public Service Department.
- 2) Approval of landscaping by the Planning Division.
- 3) Not vacating the subject right-of-way; which means, if necessary, the improvements to the right-of-way will be removed at Colonial Townhouse expense.
- 4) The Colonial Townhouses assuming responsibility for liability and maintain the drives and leased area; and

Be It Further Resolved, that the Property Management Division execute a lease agreement as soon as possible.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Lindemann and Creamer—2.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLVED #0460

Resolved by the City Council of the City of Lansing:

Act-44-86

Holmes Drain Easement Reduction

Whereas, the Quality Dairy Company requested a five (5) foot reduction in the Holmes Drain easement in order to construct a retail building 45' east of the centerline of the Holmes Drain with off-street parking set back from the proposed Cedar Street right-of-way, and

Whereas, the Planning Board has reviewed and unanimously recommended that the portion of the Holmes Drain easement described as:

The east five (5) feet of the Holmes Drain easement from the north plat line of Jessop's Home Gardens Subdivision to a point 500 feet north of said plat line

be vacated allowing for a more feasible site plan and,

Whereas, the Lansing City Council Committee on Public Safety and Properties has reviewed the recommendation of the Planning Board and concurs therewith,

Now Therefore Be It Resolved, the City Council of

the City of Lansing hereby approves the vacation of the above described portion of the Holmes Drain easement and directs the City Clerk to execute the record this action with the Ingham County Register of Deeds in accordance with State and local requirements.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Lindemann and Creamer—2.

Councilmember Lindemann returned to the meeting.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0461

Resolved by the City Council of the City of Lansing:

Whereas, on February 24, 1986 the City Council approved the Articles of Incorporation for the creation of the Greater Lansing Convention/Exhibition Authority; and

Whereas, the adopted Greater Lansing Convention/Exhibition Authority Articles of Incorporation require a Lease being entered into between the City of Lansing and the Greater Lansing Convention/Exhibition Authority for the operation and maintenance of the Civic Center and Exhibition Hall; and

Whereas, negotiations between the City of Lansing and the Greater Lansing Convention/Exhibition Authority have occurred and a proposed Lease has been drafted which is attached;

Now, Therefore, Be It Resolved that the Mayor and City Clerk be authorized to execute the attached Lease between the City of Lansing and the Greater Lansing Convention/Exhibition Authority.

By COUNCILMEMBER BLAIR—

That we consider the lease read.

Carried.

By COUNCILMEMBER BLAIR—

I move that we substitute the following in the Lease on page 10—Section 18 after the word "Compensation. —"

"The Authority shall pay its regular, full-time employees and shall ensure that any other company responsible for managing the Civic Center or Exhibition Facility shall pay its regular, full-time employees wages which are not less than the wages paid for similar work in similar facilities in comparable urban areas excluding those in the greater Detroit area."

Lost by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair and Lindemann—4.

NAYS: Councilmembers Belen, Schmidt and Worthington—3.

ABSENT: Councilmember Creamer—1.

The Resolution LOST by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair and Lindemann—4.

NAYS: Councilmembers Belen, Schmidt and Worthington—3.

ABSENT: Councilmember Creamer—1.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0462

Resolved by the City Council of the City of Lansing:

Whereas, the United Nations observes its 41st Anniversary on October 24, 1986; and

Whereas, the United Nations Association, the State of Michigan and the City of Lansing will once again observe United Nations Day with a program and reception in Lansing City Hall;

Now, Therefore, Be It Resolved, the Lansing City Council hereby encourages the Citizens of Lansing to participate in the observance of United Nations Day on October 24, 1986; and

Be It Further Resolved, the City Council authorizes the City's co-sponsorship of United Nations Day activities in Lansing on Frisco, October 24, 1986.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0463

Resolved by City Council of the City of Lansing:

Whereas, on February 24, 1986 the City Council approved the Articles of Incorporation for the creation of the Greater Lansing Convention/Exhibition Authority; and

Whereas, the adopted Greater Lansing Convention/Exhibition Authority Articles of Incorporation require a Lease being entered into between the City of Lansing and the Greater Lansing Convention/Exhibition Authority for the operation and maintenance of the Civic Center and Exhibition Hall; and

Whereas, negotiation between the City of Lansing and the Greater Lansing Convention/Exhibition Authority have occurred and a proposed Lease has been drafted which is attached;

Now, Therefore, Be It Resolved that the Mayor and City Clerk be authorized to execute the attached Lease between the City of Lansing and the Greater Lansing Convention/Exhibition Authority.

By COUNCILMEMBER BLAIR—

That we amend this lease on Page 10, Section 18 by

inserting the following after the word "Compensation.—"

"The Authority shall pay its regular, full-time employees and shall ensure that any other company responsible for managing the Civic Center or Exhibition Facility shall pay its regular, full-time employees wages which are not less than the wages paid for similar work in similar facilities in comparable urban areas excluding those in the greater Detroit area."

LOST by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair and Lindemann—4.

NAYS: Councilmembers Belen, Schmidt and Worthington—4.

ABSENT: Councilmember Creamer—1.

The Resolution was LOST by the following vote:

YEAS: Councilmembers Belen, Schmidt and Worthington—3.

NAYS: Councilmembers Adado, Benavides, Blair and Lindemann—4.

ABSENT: Councilmember Creamer—1.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0464

Resolved by the City Council of the City of Lansing:

Whereas, Bruce J. Maguire, Jr. and Natalie Maguire Zoeller have made a gift to the City of Lansing of \$25,000 to support the funding of the proposed "Michigan Square" public park on East Michigan Avenue; and

Whereas, this generous gift was made in honor of their father, Bruce J. Maguire, age 91, founder of the Wolverine Oil Company in Lansing and longtime civic leader; and

Whereas, over the years, Mr. Maguire, Sr., has been a generous contributor to a wide variety of philanthropic projects; including a fund which bears his name, the Bruce J. Maguire Fund, established for special emergency needs of Lansing citizens and the families of police officers; and

Whereas, the Maguire family business, now known as Wolverine Development Corporation, was the first to develop and build on riverfront property, signaling the beginning of a project which has become the heart of the City's revitalization effort;

Now, Therefore, Be It Resolved, the Lansing City Council recognizes Mr. Bruce Maguire as one of its most outstanding citizens, and thanks him for his years of devotion to his community; and

Be It Further Resolved, the Lansing City Council offers its gratitude to Bruce J. Maguire, Jr., and Natalie Maguire Zoeller; not only for their generous gift, but for the exemplary way they are carrying on the tradition of community spirit; and

Be It Further Resolved, that the Maguires' generosity provides an inspiration and challenge for all citizens who dream of a bright future for Lansing.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0465

Resolved by the City Council of the City of Lansing
FISCAL YEAR 1986

That the following transfer be approved:

\$515.40 from 1969 Storm Sewer & Drain Bond
Fund—Fund Balance

A/C 401-000-000-390.3

\$515.40 to 1969 Storm Sewer & Drain—Bond
Fund—City Portion Storm Sewer

A/C 041-787-010-974.677

(Fourth quarter fringe benefit allocation and inventory charges overdrew account.)

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

JAMES D. BLAIR
SIDNEY P. WORTHINGTON
Committee on Ways and Means.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0466

Resolved by the City Council of the City of Lansing:
FISCAL YEAR 1987

That the following transfer be approved:

\$800.00 from General Fund-Estimated Revenues
A/C 101-000-000-160

\$800.00 to LPD Admin. Citizen Contributions

A/C 101-305-000-956

(Sears Roebuck Foundation contribution to LPD
"Officer Friendly" program.)

\$316.00 from General Fund-Estimated Revenues
A/C 101-000-000-160

\$316.00 to LFD Admin. Citizen's Contribution

A/C 101-337-000-956

(Donations in memory of Leo King for EMS
program.)

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

JAMES D. BLAIR
SIDNEY P. WORTHINGTON
Committee on Ways and Means

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Creamer—1.

By COUNCILMEMBER BELEN, BLAIR,
SCHMIDT AND WORTHINGTON—

Resolved by the City Council of the City of Lansing
that the rules of Council be waived for the purpose of
presenting items that are not listed on the agenda.

Carried.

Councilmember Schmidt submitted two reports—
Final Report of Survey of Rental Housing for Low-
Income Households in Lansing, Michigan: Tenants,
Landlord/Managers and the Homeless and Afford-
able Housing Issues 1986 for City of Lansing, In-
gham Eaton and Clinton Counties 2-15-86 to 9-15-86.

Referred to the Committee on Physical Develop-
ment.

By COUNCILMEMBER ADADO—

RESOLUTION #0467

That Councilmember Blair be excused from voting
on this resolution.

Carried.

By COUNCILPERSON LUCILE BELEN—

Whereas, the City of Lansing is interested in for-
mulating plans to undertake redevelopment and reha-
bilitation projects for the rehabilitation of blighted
areas pursuant to Act 344, Public Acts of 1945, as
amended, for a district generally described as:

Commencing at the intersection of Grand River
with Saginaw Street; thence south along the east
bank of the Grand River to its intersection with
the north right-of-way line of I-496; thence east
along the north right-of-way line of I-496 to its in-
tersection with the east section line of Section 16;
thence north along the east section line of Section
16 to its intersection with Saginaw Street; thence
west to the point of beginning, and

Whereas it is necessary to appoint a Citizen's
District Council and establish the boundaries of a
District Area and Development Area to accomplish
redevelopment and rehabilitation in this area; and

Whereas, it is necessary to hold a public hearing
prior to appointing a Citizen's District Council and
prior to establishing the boundaries of a District Area
for the purposes noted; and

Whereas, it is also necessary to hold a public hear-
ing prior to establishing the boundaries of a Develop-
ment Area;

Now, Therefore, Be It Resolved, that two public hearing be held simultaneously at the regular meeting of the City Council on Monday, November 17, 1986, at 7:00 p.m. to satisfy the requirements of ACT 344, Public Acts of 1945, as amended, and to provide citizens an adequate opportunity to ask questions and express opinions on the appointment of the Citizen's Council and the establishment of the respective District and Development Area boundaries.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmember Creamer—1.

Councilmember Lindeman left the meeting.

COMMITTEE REPORT

The Committee on Public Safety and Properties, to whom was referred the Mayor's recommendation regarding placement of rail within Museum Drive by the Lansing-North Lansing Electric Railroad Museum,

Reports As Follows; The Director of Public Service and the Mayor have recommended that the request to place rail within Museum Drive be denied for several reasons. The Railroad Museum's proposal had not been anticipated when the Museum Drive reconstruction under Michigan Avenue was designed. The Committee concurs with the Administration's recommendation to deny the request.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Properties and Safety

By COUNCILMEMBER BLAIR—

That the report of the committee be adopted.

Carried.

INTRODUCTION OF ORDINANCES

The following ordinances of the City of Lansing, Michigan providing that the cod of ordinances be amended by:

Repealing Chapter 14 containing Sections numbered 14-1 through 14-317 inclusive, and declaring the same to be null and void and of no effect.

Adding a new Chapter 14 to the Code of ordinances for the purpose of adopting the 1985 Uniform Fire Code.

Were introduced by Councilmember Worthington, read a first and second time by their titles and referred to the Committee on General Services.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0468

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, October 27, 1986 at 7:00 p.m. in the 10th Floor Chambers of the City Council for the purpose of opposing and/or approving the ordinances providing for:

The repeal of Chapter 14 containing Section numbered 14-1 through 14-317 inclusive, and declaring the same to be null and void and of not effect.

A new chapter 14 be added to the Code of Ordinance for the purpose of adopting the 1985 Uniform Fire Code.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Schmidt and Worthington—6.

NAYS: None.

ABSENT: Councilmembers Creamer and Lindemann—2.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing that Councilmember Creamer be excused from the session.

Carried.

REMARKS BY THE MAYOR

Announced the opening of the New Radisson Hotel and stated the grand opening would be on November 14, 1986.

REMARKS BY THE CITY COUNCIL

By COUNCILMEMBER BLAIR—

I move to reconsider Resolution 3c—Exhibition Hall Lease for the purpose of referring it to the Committee on Public Safety and Properties.

By COUNCILMEMBER BELEN—

That we reconsider Resolution 4B—Exhibition Hall Lease and refer it back to Committee of the Whole.

Much discussion was held.

Councilmember Belen withdrew her motion.

Councilmember Blair's motion to reconsider Resolution 3c—Exhibition Hall Lease was—Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann and Worthington—6.

NAYS: Councilmember Schmidt—1.

ABSENT: Councilmember Creamer—1.

By COUNCILMEMBER LINDEMANN—

That we refer this back to the Committee on Public Safety and Properties.

LOST by the following vote;

YEAS: Councilmembers Adado, Benavides, Blair and Lindemann—4.

NAYS: Councilmembers Belen, Schmidt and Worthington—3.

ABSENT: Councilmember Creamer—1.

There were no remarks from the audience.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned;

Carried.

Council adjourned at 9:40 P.M.

RITA M. BAUMAN
City Clerk

Lansing, Michigan

October 13, 1986.

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, October 20, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

October 20, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt

Pledge of Allegiance.

PUBLIC HEARING

October 20, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 5312 S. Waverly Road.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

October 20, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 824 Middle.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

Letter attached from C. M. Dykema Co. stating building is not in violation of ordinance

No persons spoke.

Referred to the Committee on General Services.

October 20, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 824 Riverview.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

City Clerk announced that the Committee Report 2b, Resolution 3B and City Attorney letters 1d and 1e were pulled from the agenda.

Mary Haney spoke regarding Mayor's letter 3e.

Sue Eby, 130 Island St. spoke regarding Mayor's letter 3k.

Speakers for the Noise Ordinance were—Tina Friz, 920 S. Washington; Helen LeBlanc, River Forest Neighborhood Association and Robert Franks, 115 S. Foster.

COMMUNICATIONS and PETITIONS

The following applications and bonds have been filed for licenses:

Peddler License—James Campbell and John Speed.

Referred to the Committee on General Services.

2. Claims filed by:

a. Richard D. McLellen, 800 Michigan National Tower, for damages to his automobile two different times in city parking facilities.

b. Charles Patterson II, East Lansing, MI., for reimbursement of assessments for clean-up of property at 207 Francis St. and 1021 N. Pennsylvania Ave.

c. David and Brenda Higgins, 5138 Hughes Road, for reimbursement of expenses due to improper city inspection of plumbing and sewer before they purchased their property.

Referred to the City Attorney.

3. Michigan Liquor Control Commissions submits notification of El Azteco Two, Inc. (A Michigan Corporation) requesting to transfer all stock interest in 1986 Class C licensed business whereby Art Santa-Cruz transfers all his 1,000 shares of stock to new stockholder El Azteco Holding Company located at 1014-1018 W. Saginaw.

Referred to the City Clerk.

4. Continental Cablevision of Michigan, Inc. submits letter detailing grant awards given for the production and playback of local programming according to their franchise.

Referred to the Committee on General Services.

5. Letter from Tri-County Aging Consortium Staff Members regarding parking at the Lansing Senior Center.

Referred to the Committee on Public Safety and Properties and the Mayor.

6. Touche Ross submits reports on examination of financial statement and management letters for the year ended June 30, 1986 for City of Lansing, Municipal Parking System Funding, Building Authority Fund, Sewage Disposal System Fund, 54-A District Court and Management Letters for City of Lansing and 54-A District Court.

Referred to the Committee on Ways and Means.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA:

Mayor's letter 3A and presented Donald Norris with copy of the book entitled "One Day USA"—spoke regarding his letters 3b1 (Resignation of Philip T. Savich from Fire Commission) and 3b2 (Resignation of Rev. Albert C. Hornberger from Human Relations Board); 31 (Application Hold-Over, Dept. of Housing & Urban Development of Olds Plaza) and 3q (Transfer of funds).

Councilmember Lindemann left the meeting.

COMMITTEE REPORTS

The Committee on General Services approves the following licenses and bonds;

Peddler License—James Campbell and John Speed.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PAT LINDEMANN
Committee on General Service.

By COUNCILMEMBER WORTHINGTON—

That the report of the committee be adopted.

Carried.

Councilmember Lindemann returned to the meeting.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the ordinance introduced March 25, 1985, and the ordinance introduced July 28, 1986, both of which were proposed to amend Chapter 9A, Housing Code,

REPORTS AS FOLLOWS: The Committee reviewed the amendments contained in both proposed ordinances mentioned above, then worked with the City Attorney's Office and Building Safety Division Staff to develop a comprehensive revision to the Housing Code. The Committee's substitute ordinance revising Chapter 9A appears later in this meeting's agenda for introduction. The previously-introduced amendments to the Housing Code shall remain on file within the Committee's records.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PAT LINDEMANN
Committee on General Service.

By COUNCILMEMBER WORTHINGTON—

That the report of the committee be adopted.

Carried.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the report from the Internal Audit Department on the collection of lease payments for stalls at the City Market.

Reports as follows: According to the Internal Audit Staff, lease payments have not been collected by the City from vendors on annual or seasonal leases since July 1, 1986, because new lease agreements have not yet been signed. Annual leases are collected quarterly, and the amount uncollected is approximately \$40,000. The Mayor is requested to investigate this matter and report back to the Committee on Thursday, October 23, 1986.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the following ordinance Providing that Chapter 22 be amended by adding a new Article IV containing Sections Numbered 22-62

through 22-77 inclusive, to provide for the regulation of non-industrial noise and noise producing activities with the City of Lansing,

Reports as Follows: That said Ordinance be approved.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the following Rezoning Petitions:

Z-19-86—1107, 1109 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential to "DM-1" Residential District.

Z-21-86—3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District.

Reports as Follows: That said rezoning petitions be approved.

Signed:

CHARLES CREAMER
ALFREDA SCHMIDT
LUCILE BELEN
Committee on Physical Development.

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the follow Rezoning Petitions:

Z-20-86—1037 Lenore, 2001, 2009, 2011, 2015 and 2019 South Logan Street to be rezoned from "B" Residential District to "J" Parking District.

Reports as Follows: That said rezoning Petition be denied.

Signed:

CHARLES CREAMER
ALFREDA SCHMIDT
LUCILE BELEN
Committee on Physical Development.

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICER AND BOARDS

October 16, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of James R. Brown

Dear President Benavides and
Members of Lansing City Council:

On July 15, 1986, James R. Brown submitted a claim in the amount of \$1,651.16 as the result of a sewer backup. Claimant indicates that the sewer backup occurred on June 11 and 12 at 3227 Sunderland when the City experienced heavy rains. The claimant indicates that their lower level family room was drenched with between 3 and 7 inches of water, refuse, and "guck". Claimant indicates that in the 18 year history of the house and the 8 years that they have lived there they have never before had a wet basement.

Public Service records indicate that they have not received any other complaints in the area of 3227 Sunderland in the past year. In addition, a review of the past three years does not reveal an unusual number of complaints in the area.

Michigan law immunizes municipalities from tort liability where municipality is engaged in the exercise and discharge of a governmental function, MCLA 691.1407; MSA 3.996 (107). In *Ross v Consumers Power Co.*, 420 Michigan 567 (1984) (on rehearing), the Michigan Supreme Court adopted an expanded definition of activities which are governmental in nature and thus are protected by governmental immunity. The Michigan Supreme Court concluded that a "governmental function is an activity which is expressly or implicitly mandated or authorized by constitution, statute or other law." MCLA 124.3; MSA 5.4083. Section 8-30 of the 1978 Lansing City Charter provides that the City shall have all power granted by law to, inter alia, maintain and repair public utilities within its corporate limits. Thus, it is clear that the specific activity engaged in is expressly authorized by both State statute and City Charter and, therefore is a governmental function.

Based upon the above cited facts and law, it is the recommendation of this office that the claim be denied on the basis of governmental immunity.

Respectfully submitted

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

October 16, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Judith Wagner

Dear President Benavides and
Members of Lansing City Council:

On June 30, 1986, Judith Wagner submitted a claim in the amount of \$352.20 for damage to her automobile as the result of striking a protruding manhole. Claimant states on Friday, June 27, 1986, at approximately 10:35 p.m., at the intersection of Jerome Street and Custer her boyfriend was driving her automobile. The protruding manhole was not visible until just before her boyfriend struck it. Claimant indicates that there were no warning lights or signs in place and has included the name and address of two witnesses.

Public Service records indicate construction was under way at the intersection of Jerome and Custer. Under the terms of the contract with the City the Contractors were obligated to maintain safe conditions at the project site.

Based upon the above information this office has referred this claim to the Contractor and no further action need be taken at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action need be taken at this time.

Carried.

October 16, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Nancy Washburne

Dear President Benavides and
Members of Lansing City Council:

On May 16, 1986, Nancy Washburne submitted a claim in the amount of \$112.63 to repair her fence. Claimant states that the fence in the backyard of her property located at 1010 N. Waverly Road was previously partially dismantled by the Contractors who worked at the Waste Water Treatment Plant. More recently, this same section of the fence collapsed. Claimant states that since this was the same segment of the fence that the Contractors repaired, she believes that the Contractor's dismantling and reassembling the fence was responsible for its collapse. The remaining portion of the fence has not suffered any damage.

Public Service Department records indicate that the fence was re-installed by the Contractor more than two years ago in September and October of 1984.

Based upon the above information it is the recommendation of this office that the claim be referred to the Contractors for resolution.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be referred to the contractor for resolution.

Carried.

October 1986

President Benavides and
Members of Lansing City Council

RE: Further Report to Council on the Beck Claim.

Dear President Benavides and
Members of Lansing City Council:

On August 12, 1986 Michael W. Beck submitted a claim on behalf of his minor son in the amount of \$200.00 for damage to a Schwinn Quarter Flash Motocross bicycle. The Claimant submitted an estimate in the amount of \$192.40. Claimant states that his son's bicycle was damaged by a city truck.

Information received from the Department of Parks and Recreation indicates that the bicycle was accidentally run over by the field maintenance crew after preparing the softball field at Kendon Park. Apparently, the bicycle had been moved by the Claimant's son after the crew entered the park and the crew was unaware of the bicycle before it was damaged.

Damage to the bicycle was caused by the operation of a motor vehicle owned by the City of Lansing. Operation of a motor vehicle is a specific exception to the doctrine of governmental immunity. MCLA §691.1405. Therefore, it is the recommendation of this office that this claim be paid.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of payable to Michael W. Beck.

Carried.

October 17, 1986

President Benavides and
Members of Lansing City Council

RE: Settlement of Worker's Disability Compensation
Matter Regarding Richard J. Bushamp

Dear President Benavides and
Members of Lansing City Council:

Article IV, Chapter 3, Subsection 4-304.7 of the Lansing City Charter requires a recommendation by the City Attorney and the consent of the City Council before civil litigation may be settled. This office requests your approval to settle the above matter for the sum of \$1,000.00, which would be paid to the City.

On March 6, 1985, Lansing Police Officer Richard J. Bushamp sustained a low back injury while on duty as a result of an assault and battery by a motor vehicle driven by a Preston V. Williams, 3232 Bardaville, Lansing. The vehicle was owned by another party and was insured. Williams was charged by the Ingham County Prosecutor's Office with a felony for resisting and obstructing but his whereabouts are unknown at this time. There is, however, an outstanding warrant

for his arrest on that charge. The City paid Mr. Bushamp Worker's Compensation medical benefits as a result of the accident. Officer Bushamp has now received an offer from the auto insurance of the owner to settle all claims against it and it's insured for \$20,000.00; \$1,000.00 of this is being offered to the City to settle any claims it might have against that insurer.

Section 827 of the Worker's Disability Compensation Act allows an employee to seek damages from a responsible third party even if Worker's Compensation benefits are accepted. In addition, the Michigan Supreme Court in *Great American Insurance v Queen*, 410 Mich 73 (1980) held that an employer has no right to reimbursement for worker's compensation and other benefits which substituted for no-fault motor vehicle liability benefits such as in this case.

Consequently, it is arguable that the City is not entitled to any recovery in this case. Obviously, Mr. Bushamp's attorney and the auto insurance company are offering this amount to avoid potential future claims against them by the City. Therefore, this office recommends that the City accept the offer of \$1,000.00 to be paid to the City to settle this matter.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be settled in the amount of \$1,000.00 payable to Richard J. Bushamp.

Carried.

DATE: 10/15/86

TO: Members of City Council

FROM: Judge Cherry

SUBJECT: 54-A District Court Facilities

Attached is an article written by the President of the Ingham County Bar Association about the condition of 54-A District Court Facilities. Please note that our facilities are called atrocious, overcrowded, dirty and like a cattle car. Your efforts in changing this situation would be appreciated.

PATRICK F. CHERRY
DISTRICT COURT JUDGE

Referred to the Mayor.

ONE DAY U.S.A.

The day was March 20, 1985. At 12:01 a.m., thousands of amateur and professional photographers in 200 cities entered a competition to photograph whatever they found special, unique, or representative of their communities. Lansing photographers joined in this effort, snapping pictures of downtown Lansing, children at play, and the beautiful sites along our rivers, just to name a few.

Those photographs were submitted to my office where a committee reviewed them and chose ten to be forwarded to the U.S. Conference of Mayors.

I'm pleased to announce that Donald Norris, 221 W. Barnes, Lansing, MI, was the winning photographer, with his photograph of the State Capitol building. Mr. Norris' photo not only appears in the book but is one of the six photographs on the book's jacket.

ONE DAY U.S.A. is a collective portrait of the United States sponsored by the United State Conference of Mayors.

The photographs were submitted by cities as small as Farmer's Branch, Texas, as far north as Anchorage, Alaska, as far west as Maui, Hawaii and covering the East coast, the deep South, and Lansing, the Capital of Michigan.

The best photographs, at least on from every City that participated in the project, appears in the book—some 323.

All are published here for the first time, giving us a fresh, intimate look at how we, as Americans, see ourselves.

Donald Norris is a lifetime resident of Lansing, Michigan, born and raised on Walnut Street. He and his wife, Mary, now live at 221 W. Barnes.

Mr. Norris studied at the Chicago Academy of Fine Arts from 1927-1928, specializing in political cartooning.

Retired from Oldsmobile after 34 years, Mr. Norris now devotes much of his time to his love of photography.

Since 1961, Mr. Norris has photographed almost every national park in the United States. Other credits include photos in the recently published *Lansing—Capitol, Campus and Cars*. He also has a number of slides depicting Lansing, televised on cable channel 17.

Received and Placed on File.

DATE: 10/15/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Fire Commission resignation-Philip T. Savich.

The attached correspondence is submitted for your information.

Received and Placed on File.

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Human Relations Board Resignation
-Rev. Albert C. Hornberger

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Aragon Dr. and Kuerbitz Dr.: Stop Sign
Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Maple and Comfort St.: Stop Sign
Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Glenbrook Rd. and Brighton Dr.: Stop
Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonable possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Glenbrook Rd. and Wedgewood Dr.:
Stop Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonable possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Fairview Avenue and Fernwood Ave.:
Stop Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Southgate Ave. and Spokane Ave.: Stop
Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Lyons Ave. and Hamilton Ave.: Yield
Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Cumberland Rd. and Barstow Rd.: Yield
Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: E. Grand River Ave. and Center St.: Traffic Signal Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Valencia Blvd. and Kennedy Dr.: Stop/Yield Sign Request.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Townsend Street Parking

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grand Ave. Parking Changes.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Fairview Avenue: No Parking

The attached material is submitted with my concurrence. I recommend that you carefully review it and

then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-10-86, Alleyway, Block 111

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/16/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Expansion of Capitol Commons Development Area.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 10/14/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Application Hold-Over, Department of Housing & Urban Development, Project Number: B-00-AA-26-0228, Project Name: Olds Plaza.

The attached correspondence from Stanley L. Newman, Director of the Office of Urban Development Action Grants is submitted for your information.

Referred to the Committee on Economic Development.

DATE: 10/15/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29 (\$3,006.12)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and this grass assessment be placed on the tax roll.

Carried.

DATE: 10/15/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31 (\$2,588.09).

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and this Trash Assessment be placed on the tax roll.

Carried.

DATE: 10/15/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Title Search-UPS Assessment Y-1
(\$2,129.73).

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and this Title Search/Board-ups Assessment be placed on the tax roll.

Carried.

DATE: 10/15/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Assessment for Demolitions-62-K
(\$6,800.00).

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and the assessment for demolitions be placed on the tax roll.

Carried.

DATE: 10/16/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0469

Resolved by the City Council of the City of Lansing:

Whereas, by resolution adopted September 29, 1986, the City Council authorized the Mayor to apply for \$500,000 from the 1987 State of Michigan Equity Program to be used for various projects; and

Whereas, one of the projects identified in the resolution was the assignment of a "beat cop" to the downtown convention/cultural/tourism are, on the condition that the officer be house-mounted; and

Whereas, the Committee on Public Safety and Properties has discussed the disadvantages of requiring the officer to be horse-mounted and no recommends that this requirement be removed;

Now, Therefore, Be It Resolved the Lansing City Council hereby removes the restriction that the downtown beat officer to be funded through the Equity Program be horse-mounted.

By COUNCILMEMBER BLAIR—

That we amend this resolution in the third line, second paragraph, to change the word "by" to "be", and in the third paragraph, second line to change "no" to "now".

Carried.

The resolution as amended was adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0470

Resolved by the City Council of the City of Lansing:

Whereas, the attached listing of outstanding encumbrances at June 30, 1986 are legally binding purchase commitments for goods and services that could not be delivered by June 30th,

Whereas, the subsequent payment of these encumbrances when the goods and services are delivered should properly be charged to the original FY86

budget where they were appropriated and ordered,

Now, Therefore, Be It Resolved that sufficient funds be carried forward in the accounts identified for the payment of these outstanding encumbrances.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0471

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing desires to issue Tax Anticipation Notes for December, 1986 and July, 1987 real property taxes; and

Whereas, the City desires to call all outstanding 1966 Parking Bonds; and

Whereas, it is necessary to hire legal bond counsel to assist in the above matters; and

Whereas, the City Attorney has recommended by letter to City Council on the October 13, 1986 agenda that the City retain the law firm of Miller, Canfield, Paddock and Stone to provide such services;

Now, Therefore, Be It Resolved that pursuant to Subsection 4-304.6 of the City Charter, the City is authorized to retain the law firm of Miller, Canfield, Paddock and Stone to advise and assist the City in issuing the above reference tax Anticipation Notes and in the calling of the City's 1966 Parking Revenue Bonds on the terms set forth in the City Attorney's letter on the October 13, 1986 City Council meeting agenda.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0472

Whereas, the Lansing City Council has established a policy regarding the disposition of vacant lots in Neighborhood Development Areas (131 Garden St.); and

Whereas, Section 8-403.4 of the City Charter of the City of Lansing requires that City Council approve proposed sales of real estate;

Now, Therefore, Be It Resolved by the Lansing City Council that the following proposed sales be and are hereby approved.

To Roland B. and Ruth F. Gerard, the property

legally described as the west 20 feet of Lot 8, Block 1, Hall's Third Addition, City of Lansing, Ingham County, Michigan;

and

To C. C. Corn, the property legally described as the east 20 feet of Lot 8, Block 1 Hall's Third Addition, City of Lansing, Ingham County, Michigan, #3301-21-403-021.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0473

Resolved by the City Council of the City of Lansing:

Whereas, Douglas DeFrain joined the City staff on October 10, 1981, as Labor Relations Coordinator in the Personnel Department; and

Whereas, when the City Council approved the Mayor's proposal to create a separate Labor Relations Department on March 29, 1982, Douglas DeFrain was appointed Director of Labor Relations; and

Whereas, in addition to his duties as head of the Labor Relations Department, Mr. DeFrain was named Chief Labor Negotiator on March 21, 1983, a position he has held ever since; and

Whereas, Mr. DeFrain has submitted his resignation in order to accept a position with a new company being formed by the Chrysler Corporation and Mitsubishi of Japan;

Now, Therefore, Be It Resolved the Lansing City Council hereby commends Douglas DeFrain for his outstanding service to the City of Lansing as the first Director of the Department of Labor Relations; and

Be It Further Resolved the City Council extends best wishes for success and happiness to Douglas DeFrain as he moves on to a new position in the private sector.

Adopted by the following vote:

YEAS: Councilmembers, Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0474

Resolved by the City Council of the City of Lansing:

Whereas, on February 24, 1986 the City Council approved the Articles of Incorporation for the creation of the Greater Lansing Convention/Exhibition Authority; and

Whereas, the adopted Greater Lansing Convention/

Exhibition Authority Articles of Incorporation require a Lease being entered into between the City of Lansing and The Greater Lansing Convention/Exhibition Authority for the operation and maintenance of the Civic Center and Exhibition Hall; and

Whereas, negotiations between the City of Lansing and the Greater Lansing Convention/Exhibition Authority have occurred and a proposed Lease has been drafted which is attached;

Now, Therefore, Be It Resolved that the Mayor and City Clerk be authorized to execute the attached Lease between the City of Lansing and the Greater Lansing Convention/Exhibition Authority.

By COUNCILMEMBER ADADO—

That this be considered read.

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

Amend in Section 1, page 1, last line, after the word "premises," add the following "prior City Council permission shall be obtained before they are added to Exhibit A."

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 1, Section 2, delete "to a public body" in line 6 and in last line.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER CREAMER—

That we amend on Page 2, Sections 3, Line 8, to change November 31 to read November 30.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend on Page 5, 2nd paragraph, 5th line, "The insurance policies and certificates evidencing the agreed upon amount of the insurance, shall be delivered to the City Clerk no later than 30 days prior to the expiration of the previous insurance coverage."

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 7, Section 13, Line 3, by adding "for the balance of 1986."

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 7, Item 13, Line 4, by changing paragraph "5" to "4"

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend on Page 9, Line 18, by deleting "12" and adding "9" after the word paragraph.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend on Page 10, Sections 18, by substituting this new wording for Item 18.

The Authority shall survey the wage scales paid by competing facilities owned and/or operated by municipalities or public authorities in urban areas comparable in size and nature to the greater Lansing area (excluding the greater Detroit area) and, after surveying said wage scales, shall pay its regular full-time similar employees wages which are consistent with the wage scales paid for similar work by competing projects, all

as revealed by the survey. The Authority shall insure that any entity with which it may contract to manage the facilities entrusted to the Authority shall abide this provision. The wages scales developed under the provisions of this paragraph shall not apply to supervisory or professional employees of the Authority, except at the discretion of the Authority. Further, should any regular, full-time employees of the Authority exercise their rights to collectively bargain under the provisions of 1947 PA 336, as amended, this provision shall not apply to those employees.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 10, Section 18, of the substitute wording in Line 8 to change the spelling of the word "insure" to "ensure".

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we Amend on page 10, Section 18, Line 7 after the word survey to add "The survey shall be completed prior to the submission of the budget requests for the FY 1987-88."

By COUNCILMEMBER BLAIR—

That we amend this amendment to be completed "prior to January 1, 1987"

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 10, Section 19, at the end of the paragraph by adding, "In addition, the Authority shall not allow the occurrence of the aforesaid acts."

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 10, Section 20, at the end of the page to change the period to a semi-colon, and add "provided further, that upon termination by either party pursuant to this provision, an audit of all accounts and assets of the Authority, which pertain to the fulfillment of this Agreement, shall be forthwith made by an auditor designated by the city."

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we amend Page 4 Section 6 & 7, by substituting the following wording:

"All agreement and/or licenses for concessions or other uses of the Convention/Exhibition Hall and Civic Center or their related facilities or parts thereof shall be limited to a term not to exceed three (3) years in length unless such agreements and/or licenses for concessions or other uses may require the licensee or contracting party to make installation on the premises of the Convention/Exhibition Hall and Civic Center or related facilities amounting to \$10,000.00 or more in current market value at the time of the installation in which case the term shall not exceed five (5) years in length, unless prior approval of the City for a greater length of term is obtained."

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair—3.

NAYS: Councilmembers Belen, Creamer, Lindemann, Schmidt and Worthington—5.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we recess for five minutes.

Carried.

Council recessed at 9:40 p.m. and reconvened at 9:53 p.m.

By COUNCILMEMBER LINDEMANN—

That we amend Page 2, Section 2, at the end of the paragraph, by deleting the words "to a public body" and adding "before the City can convey or sell the Civic Center, the City Council shall receive the prior written comments and written recommendations of the Authority".

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER CREAMER—

That on Page 9, Line 18, after the word "paragraph" the number "12" changed by motion to read "9" should be number "13".

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER BLAIR—

That we amend the new section 18 added by striking out the following in the 10th line "The Wages Scales developed under the provisions of this paragraph shall not apply to supervisory or professional employees of the Authority, except at the discretion of the Authority."

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair—

NAYS: Councilmembers Belen, Creamer, Lindemann, Schmidt and Worthington—5.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we adopt the lease agreement with the amendments.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—7.

NAYS: Councilmember Blair—1.

ABSENT: None.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0475

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$654.00 from Probation-Salaries & Longevity
A/C 101-151-000-702

\$654.00 to District Ct. Expenditures
A/C 101-136-000-700

(Temporary clerical assistance required during maternity leave of Deputy Clerk M. Oveido-Adm. transfer of \$730. from 760-136-000-702 will supply balance of funds necessary.)

1.
\$654.00 from Estimated Revenues—District Ct.
A/C 760-000-000-160

\$654.00 to District Ct.-Temp.Help
A/C 760-136-000-707

(Deputy Clerk 1 Monica Oviedo will be absent on maternity leave for six weeks; temporary clerical assistance will be necessary during that time.)

2.
\$2,837.00 from Probation-Salaries-Longy.
A/C 101-151-000-702

\$2,837.00 to District Ct.-Probation Temp. Help
A/C 101-151-000-707
(need to hire temporary replacement for Probation Officer of maternity leave.)

3.
\$3,000.00 from General Fund Reserve for Contingency
A/C 101-941-000-963

\$1,200.00 to Police Uniform Patrol Misc. and Operating Expenses.
A/C 101-316-000-741
(to provide for medical tests for six dogs for the Canine Unit.)

\$1,800.00 to Police Uniform Patrol Operating Supplies
A/C 101-316-000-740
(Food, handling supplies, and funding for vehicle platforms for addition of six dogs for the Canine Patrol Unit.)

4.
\$130.00 from Fire Alarm Equipment
A/C 101-345-000-977

\$130.00 to Fire Training: Equipment
A/C 101-343-000-977
(VCR used by Fire Training has been transferred to Fire Prevention for arson investigations. A replacement unit for Fire Training used is requested. Residual funds of \$270 will be used in addition to transfer.)

5.
\$40,000.00 from Benjamin F. Davis Trust Fund Balance—A/C 713-000-000-390
\$40,000.00 to Parks & Recreation-Park Trust Fund Davis Park Drive
A/C 713-010-000-974
(To expand paving project from driveway only to include parking lot, to accommodate as many as 1,000 cars daily at Davis Park.)

Recommended By:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
JAMES D. BLAIR
Committee on Ways and Means.

COUNCILMEMBER BLAIR wanted it noted that the Benjamin F. Davis Trust Fund expenditures were approved by the Park Board.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benevides, Blair, Creamer, Lindemann, Schmidt and Worthington—

ton—8.

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing, Michigan, providing that the code of ordinances be amended by:

Amending Chapter 9A by revising sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code.

was introduced by Councilmember Worthington read a first and second time by its title and referred to the Committee on General Services.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0476

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November 10, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinance amending Chapter 9A by revising Sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-27-86 — 1217 W. Oakland to be rezoned from "DM-4" Multiple Family District to "DM-1" Professional Office District filed by Bank of Lansing.

was introduced by Councilmember Creamer, read a first and second time by its title and referred to the Committee on Physical Development.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0477

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November

10, 1986, at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the rezoning of property Z-27-86 — 1217 W. Oakland to be rezoned from "DM-4" Multiple Family District to "DM-1" Professional Office District.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Providing that Chapter 22 be amended by adding a new Article IV containing Sections Numbered 22-62 through 22-77, inclusive, to provide for the regulation of non-industrial noise and noise producing activities within the City of Lansing, and recommended that the ordinance be passed.

Councilmember Lindemann left the meeting.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that Chapter 22 be amended by adding a new Article IV containing Sections Numbered 22-62 through 22-77 inclusive to provide for the regulation on non-industrial noise and noise producing activities within the City of Lansing, be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that Chapter 22 be amended by adding a new Article IV containing Sections Numbered 22-62 through 22-77 inclusive to provide for the regulation of non-industrial noise and noise producing activities within the City of Lansing be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Schmidt, Blair and Worthington—7.

NAYS: None.

ABSENT: Councilmember Lindemann—1.

ORDINANCE NO. 727

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN PROVIDING THAT CHAPTER 22 BE AMENDED BY ADDING A NEW ARTICLE IV CONTAINING SECTIONS NUMBERED 22-62 THROUGH 22-77 INCLUSIVE TO PROVIDE FOR THE REGULATION OF NON-INDUSTRIAL NOISE AND NOISE PRODUCING ACTIVITIES WITHIN THE CITY OF LANSING.

THE CITY COUNCIL OF THE CITY OF LANSING HEREBY ORDAINS:

SECTION 1. THE CODE OF ORDINANCES OF THE CITY OF LANSING IS HEREBY AMENDED BY ADDING ARTICLE IV CHAPTER 22 TO CONSIST OF SECTIONS 22-62 THROUGH 22-77 INCLUSIVE WHICH SHALL READ AS FOLLOWS:

ARTICLE IV NOISE REGULATION

SEC. 22-62. IT IS FOUND AND DECLARED THAT:

A. THE MAKING AND CREATION OF EXCESSIVE, UNNECESSARY OR UNUSUALLY LOUD NOISES WITHIN THE LIMITS OF THE CITY OF LANSING IS A CONDITION WHICH HAS EXISTED FOR SOME TIME AND THE EXTENT AND VOLUME OF SUCH NOISE IS INCREASING.

B. THE MAKING, CREATION OR MAINTENANCE OF SUCH EXCESSIVE UNNECESSARY, UNNATURAL OR UNUSUALLY LOUD NOISES WHICH ARE PROLONGED, UNUSUAL AND UNNATURAL IN THEIR TIME, PLACE AND USE AFFECT AND ARE A DETRIMENT TO PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE AND PROSPERITY OF THE RESIDENTS OF THE CITY OF LANSING.

C. THE NECESSITY IN THE PUBLIC INTEREST FOR THE PROVISIONS AND PROHIBITIONS HEREINAFTER CONTAINED AND ENACTED, IS DECLARED AS A MATTER OF LEGISLATIVE DETERMINATION AND PUBLIC POLICY, AND IT IS FURTHER DECLARED THAT THE PROVISIONS AND PROHIBITIONS HEREINAFTER CONTAINED AND ENACTED ARE IN PURSUANCE OF AND FOR THE PURPOSE OF SECURING AND PROMOTING THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE AND PROSPERITY AND THE PEACE AND QUIET OF THE CITY OF LANSING AND ITS INHABITANTS.

SEC. 22-63. SCOPE.

THIS ARTICLE SHALL APPLY TO THE CONTROL OF ALL SOUND ORIGINATING FROM NON-INDUSTRIAL PROPERTY WITHIN THE LIMITS OF THE CITY OF LANSING. THIS ORDINANCE SHALL NOT AND IS NOT INTENDED TO EXCLUDE INDUSTRIAL PROPERTY OR OPERATIONS FROM THE APPLICATION OF ANY OTHER ORDINANCES OF THE CITY OF LANSING.

SEC. 22-64. DEFINITIONS.

A. ALL TERMINOLOGY USED IN THIS OR-

DINANCE, NOT DEFINED BELOW, SHALL BE IN CONFORMANCE WITH APPLICABLE PUBLICATIONS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (A.N.S.I.) OR ITS SUCCESSOR BODY.

1. "A-WEIGHTED SOUND LEVEL" MEANS THE SOUND PRESSURE LEVEL IN DECIBELS AS MEASURED ON A SOUND LEVEL METER USING THE A-WEIGHTING NETWORK. THE LEVEL SO READ IS DESIGNATED dBA.

2. "CONSTRUCTION" MEANS ANY SITE PREPARATION, ASSEMBLY, ERECTION, SUBSTANTIAL REPAIR, ALTERATION OR SIMILAR ACTION, BUT EXCLUDING DEMOLITION FOR OR OF PUBLIC RIGHT-OF-WAY, STRUCTURES, UTILITIES OR SIMILAR PROPERTY.

3. "DECIBEL" (dB) MEANS A UNIT FOR MEASURING THE VOLUME OF A SOUND, EQUAL TO 20 TIME THE LOGARITHM TO THE BASE 10 OF THE RATIO OF THE PRESSURE OF THE SOUND MEASURED TO THE REFERENCE PRESSURE WHICH IS 20 MICROPASCALS.

4. "DEMOLITION" MEANS ANY DISMANTLING, INTERNATIONAL DESTRUCTION OR REMOVAL OF STRUCTURES, UTILITIES, PUBLIC OR PRIVATE RIGHT-OF-WAY SURFACES, OR SIMILAR PROPERTY.

5. "EMERGENCY" MEANS ANY OCCURRENCE OR SET OF CIRCUMSTANCES INVOLVING ACTUAL OR IMMINENT PHYSICAL TRAUMA OR PROPERTY DAMAGE WHICH DEMANDS IMMEDIATE ATTENTION.

6. "EMERGENCY WORK" MEANS ANY WORK PERFORMED FOR THE PURPOSE OF PREVENTING OR ALLEVIATING THE PHYSICAL TRAUMA OR PROPERTY DAMAGE THREATENED OR CAUSED BY AN EMERGENCY.

7. "INDUSTRIAL PROPERTY" MEANS LAND, LAND IMPROVEMENTS, BUILDINGS STRUCTURES AND OTHER REAL PROPERTY AND MACHINERY, EQUIPMENT AND FIXTURES OR ANY PART THEREOF WHETHER COMPLETED OR IN THE PROCESS OF CONSTRUCTION COMPRISING AN INTEGRATED WHOLE, THE PRIMARY PURPOSE AND USE OF WHICH IS THE MANUFACTURE OF GOODS OR MATERIALS OR THE PROCESSING OF GOODS AND MATERIALS BY PHYSICAL OR CHEMICAL CHANGE AND SHALL INCLUDE AGRICULTURAL PROCESSING FACILITIES. INDUSTRIAL PROPERTY SHALL INCLUDE FACILITIES RELATED TO THE MANUFACTURING OPERATION AND UNDER THE SAME OWNERSHIP OR CONTROL PROVIDED SUCH PROPERTY IS CONTIGUOUS TO THE MANUFACTURING OPERATION. SUCH PROPERTY SHALL INCLUDE, BUT NOT BE LIMITED TO OFFICE, ENGINEERING RESEARCH AND DEVELOPMENT, WAREHOUSING OR PARTS DISTRIBUTION FACILITIES.

8. "MANUFACTURE OF GOODS OR MATERIALS" OR "PROCESSING OF GOODS OR MATERIALS" MEANS ANY TYPE OF OPERATION THAT WOULD BE CONTROLLED BY AN ENTITY INCLUDED IN THE CLASSIFICATIONS PROVIDED BY DIVISION D,

MANUFACTURING, OF THE STANDARD CLASSIFICATION MANUAL OF 1972, PUBLISHED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, REGARDLESS OF WHETHER THE ENTITY CONDUCTING SUCH AN OPERATION IS INCLUDED THEREIN.

9. "GROSS VEHICLE WEIGHT RATING (GVWR)" MEAN THE VALUE SPECIFIED BY THE MANUFACTURER AS THE RECOMMENDED MAXIMUM LOADED WEIGHT OF A SINGLE MOTOR VEHICLE. IN CASES WHERE TRAILERS AND TRACTORS ARE SEPARABLE, THE GROSS COMBINATION WEIGHT RATING (GVWR) WHICH IS THE VALUE SPECIFIED BY THE MANUFACTURER AS THE RECOMMENDED MAXIMUM LOADED WEIGHT OF THE COMBINATION VEHICLE, SHALL BE USED.

10. "MOTOR CARRIER VEHICLE ENGAGED" MEANS ANY VEHICLE FOR WHICH REGULATIONS APPLY PURSUANT TO SECTION 18 OF THE FEDERAL NOISE CONTROL ACT OF 1972 (P.L. 92-574), AS AMENDED, PERTAINING TO MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE.

11. "MOTOR VEHICLE" MEANS ANY VEHICLE WHICH IS PROPELLED OR DRAWN ON LAND BY A MOTOR, SUCH AS, BUT NOT LIMITED TO, PASSENGER CARS, TRUCKS, TRUCK-TRAILERS, CAMPERS, GO-CARTS, SNOWMOBILES, AMPHIBIOUS CRAFT ON LAND, DUNE BUGGIES, ALL TERRAIN VEHICLES, OR RACING VEHICLES, BUT NOT INCLUDING MOTORCYCLES.

12. "MOTORCYCLE" MEANS AN UNENCLOSED MOTOR VEHICLE HAVING A SADDLE OR SEAT FOR THE USE OF THE OPERATOR AND TWO OR THREE WHEELS IN CONTACT WITH THE GROUND, INCLUDING, BUT NOT LIMITED TO, MOTOR SCOOTERS AND MINIBIKES AND MOTOR PROPELLED BICYCLES.

13. "MUFFLER OR SOUND DISSIPATIVE SERVICE" MEANS A DEVICE FOR ABATING THE SOUND OF ESCAPING GASES OF AN INTERNAL COMBUSTION ENGINE.

14. "NOISE" MEANS ANY SOUND WHICH ANNOYS OR DISTURBS HUMANS OR WHICH CAUSES OR TENDS TO CAUSE AN ADVERSE PSYCHOLOGICAL OR PHYSIOLOGICAL EFFECT ON HUMANS.

15. "NOISE DISTURBANCE" MEANS ANY SOUND WHICH (a) ENDANGERS OR INJURES THE SAFETY OR HEALTH OF HUMANS OR ANIMALS, OR (b) ANNOYS OR DISTURBS A REASONABLE PERSON OF NORMAL SENSITIVITIES, OR (c) ENDANGERS OR INJURES PERSONAL OR REAL PROPERTY.

16. "NOISE SENSITIVE ZONE" MEANS ANY AREA WHERE A SCHOOL, HOSPITAL, HOUSE OF WORSHIP, DAYCARE CENTER, NURSING HOME, PUBLIC LIBRARY, SENIOR CITIZEN CENTER, RESIDENCE OR COURT IS LOCATED. AN AREA OF POTENTIAL NOISE DISTURBANCE.

17. "PERSON" MEANS ANY INDIVIDUAL, ASSOCIATION, PARTNERSHIP, OR CORPORA-

TION, AND INCLUDES ANY OFFICER, EMPLOYEE, DEPARTMENT, AGENCY OR INSTRUMENTALITY OF A STATE OR ANY POLITICAL SUBDIVISION OF A STATE.

18. "PUBLIC RIGHT-OF-WAY" MEANS ANY STREET, AVENUE, BOULEVARD, HIGHWAY, SIDEWALK, PATH OR ALLEY OR SIMILAR PLACE WHICH IS OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY.

19. "PUBLIC SPACE" MEANS ANY REAL PROPERTY OR STRUCTURES THEREON WHICH ARE OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY.

20. "REAL PROPERTY" MEANS AN IMAGINARY LINE ALONG THE GROUND SURFACE, AND ITS VERTICAL EXTENSION, WHICH SEPARATES THE REAL PROPERTY OWNED BY ONE PERSON FROM THAT OWNED BY ANOTHER PERSON, BUT NOT INCLUDING INTRA-BUILDING REAL PROPERTY DIVISION.

21. "RESIDENTIAL AREA" MEANS ANY AREA DESIGNATED AS A-A OR A-I ONE FAMILY RESIDENTIAL, B RESIDENT, C TWO FAMILY D-M OR D-MI MULTIPLE DWELLING, OR D APARTMENT PURSUANT TO THE PROVISIONS OF THE ZONING ORDINANCES OF THE CITY OF LANSING OR UPON ANY PLAN OR DISTRICT MAP PROMULGATED THEREUNDER.

22. "RECREATIONAL MOTOR VEHICLE" MEANS ANY MOTOR VEHICLE OR MOTORCYCLE AS DEFINED HEREIN WHICH IS INTENDED FOR RECREATIONAL USE OR WHICH IS BEING USED FOR RECREATIONAL PURPOSES EXCEPT SNOWMOBILES. RECREATIONAL PURPOSES SHALL INCLUDE UTILIZATION OF SUCH A MOTOR VEHICLE OR MOTOR CYCLE IN COMPETITIVE EVENTS EVEN IF ENGAGED IN PROFESSIONALLY OR FOR COMPENSATION.

23. "RMS SOUND PRESSURE" MEANS THE SQUARE ROOT OF THE TIME AVERAGED SQUARE OF THE SOUND PRESSURE DENOTED PRMS.

24. "SOUND" MEANS AN OSCILLATION IN PRESSURE, PARTICLE DISPLACEMENT, PARTICLE VELOCITY OR OTHER PHYSICAL PARAMETER, IN A MEDIUM WITH INTERNAL FORCES THAT CAUSES COMPRESSION AND RAREFACTION OF THAT MEDIUM. THE DESCRIPTION OF SOUND MAY INCLUDE ANY CHARACTERISTIC OF SUCH SOUND, INCLUDING DURATION, INTENSITY AND FREQUENCY.

25. "SOUND LEVEL" MEANS THE WEIGHTED SOUND PRESSURE LEVEL OBTAINED BY THE USE OF A SOUND LEVEL METER AND FREQUENCY WEIGHTING NETWORK, SUCH AS A, B, OR C AS SPECIFIED IN AMERICAN NATIONAL STANDARDS INSTITUTE SPECIFICATIONS FOR SOUND LEVEL METERS (ANSI S1.4-1971, OR THE LATEST APPROVED REVISION THEREOF). IF THE FREQUENCY WEIGHTING EMPLOYED IS NOT INDICATED, THE A-WEIGHTING SHALL APPLY.

26. "SOUND LEVEL METER" MEANS AN INSTRUMENT WHICH INCLUDES A MICRO-

PHONE, AMPLIFIER, RMS DETECTOR, INTEGRATOR OR TIME AVERAGE, OUTPUT METER, AND WEIGHTING NETWORKS USED TO MEASURE SOUND PRESSURE LEVELS.

27. "SOUND PRESSURE" MEANS THE INSTANTANEOUS DIFFERENCE BETWEEN THE ACTUAL PRESSURE AND THE AVERAGE OR BAROMETRIC PRESSURE AT A GIVEN POINT IN SPACE, AS PRODUCED BY SOUND ENERGY.

28. "SOUND PRESSURE LEVEL" MEANS 20 TIMES THE LOGARITHM TO THE BASE 10 OF THE RATIO OF THE RMS SOUND PRESSURE TO THE REFERENCE PRESSURE OF 20 MICROPASCALS. THE SOUND PRESSURE LEVEL IS DENOTED L_q OR SPL AND IS EXPRESSED IN DECIBELS.

29. "WEEKDAY" MEANS ANY DAY MONDAY THROUGH FRIDAY WHICH IS NOT A LEGAL HOLIDAY.

SEC. 22-65. DUTIES AND RESPONSIBILITIES OF DEPARTMENTS.

A. ALL DEPARTMENTS AND AGENCIES OF THE CITY OF LANSING SHALL, TO THE FULLEST EXTENT CONSISTENT WITH OTHER LAW, CARRY OUT THEIR PROGRAMS IN SUCH A MANNER AS TO FURTHER THE POLICY OF THIS ORDINANCE.

B. IN CASE OF MOTOR VEHICLE ENFORCEMENT, THE POLICE DEPARTMENT SHALL BE THE PRIMARY ENFORCEMENT AGENCY.

SEC. 22-66. MOTOR VEHICLE MAXIMUM SOUND LEVELS.

A. MOTOR VEHICLES AND MOTORCYCLES ON PUBLIC RIGHTS-OF-WAY. NO PERSON SHALL OPERATE OR CAUSE TO BE OPERATED A PUBLIC OR PRIVATE MOTOR VEHICLE OR MOTORCYCLE ON A PUBLIC RIGHT-OF-WAY AT ANY TIME IN SUCH A MANNER THAT THE SOUND LEVEL EMITTED BY THE MOTOR VEHICLE OR MOTORCYCLE EXCEEDS THE LEVEL SET FORTH IN TABLE II.

TABLE II. MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS (MEASURED AT 50 FEET OR 15 METERS)

	Sound Level in dBA		
	Speed Limit 35MPH or less	Speed Limit 40MPH	Stationary run-up 35MPH
Motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 8,500 lbs. or more	86	90	88
All other motor vehicles of GVWR or GCWR of 8,500 lbs or more	86	90	—
Any Motorcycle	82	86	—
Any other motor vehicle or any combination of vehicles towed	76	82	—

B. STANDING MOTOR VEHICLES.

NO PERSON SHALL OPERATE OR PERMIT THE OPERATION OF ANY MOTOR VEHICLE, MOTORCYCLE OR ANY AUXILIARY EQUIPMENT ATTACHED TO SUCH A VEHICLE, FOR A PERIOD LONGER THAN 5 MINUTES IN ANY HOUR WHILE THE VEHICLE IS STATIONARY, FOR REASONS OTHER THAN TRAFFIC CONGESTION, ON A PUBLIC RIGHT-OF-WAY OR PUBLIC SPACE WITHIN 150 FEET (46 METERS) OF A RESIDENTIAL AREA OR DESIGNATED NOISE SENSITIVE ZONE, BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M. THE FOLLOWING DAY.

C. RECREATIONAL MOTORIZED VEHICLES OPERATING OFF PUBLIC RIGHTS OF WAY.

1. EXCEPT AS PERMITTED IN SUB-PART 2. OF THIS SUBSECTION NO PERSON SHALL OPERATE OR CAUSE TO BE OPERATED ANY RECREATIONAL MOTOR VEHICLE OR MOTORCYCLE OFF A PUBLIC RIGHT-OF-WAY IN SUCH A MANNER THAT THE SOUND LEVEL EMITTED THEREFROM EXCEEDS THE LIMITS SET FORTH IN TABLE III AT A DISTANCE OF 50 FEET (15 METERS) OR MORE FROM THE PATH OF THE VEHICLE WHEN OPERATED ON A PUBLIC SPACE OR AT OR ACROSS THE BOUNDARY OF PRIVATE PROPERTY WHEN OPERATED ON PRIVATE PROPERTY. THIS SECTION SHALL APPLY TO ALL RECREATIONAL MOTORIZED VEHICLES WHETHER OR NOT DULY LICENSED AND REGISTERED.

2. PERMITS FOR MOTOR VEHICLES RACING EVENTS MAY BE OBTAINED FROM THE CITY OF LANSING ACCORDING TO PROCEDURES AND CRITERIA SET FORTH IN SECTION 22-71 OR 22-72.

TABLE III. RECREATIONAL MOTORIZED VEHICLE SOUND LIMITS (MEASURED AT 50 FEET OR 15 METERS)

Vehicle Type	Sound Level, dBA
Motorcycle	Unit Mfg, before 1975 86 dBA
	Unit Mfg, after 1975 84 dBA
Any other vehicle	Unit Mfg, before 1975 86 dBA
	Unit Mfg, after 1975 80 dBA

SEC. 22-67. RAILROAD OPERATIONAL SOUND LEVELS.

NO PERSON SHALL OPERATE OR PERMIT TO BE OPERATED, ANY RAILROAD LOCOMOTIVE, CARS, ANY OTHER ROLLING STOCK OR EQUIPMENT, SO AS TO CAUSE A VIOLATION OF THE ALLOWABLE SOUND LEVELS ADOPTED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, UNDER THE NOISE CONTROL ACT OF 1972 42 USC §4901 to 4918.

SEC. 22-68. PROHIBITED ACTS.

A. NO PERSON SHALL MAKE, CONTINUE OR CAUSE OR PERMIT TO BE MADE VERBAL-

LY OR MECHANICALLY ANY UNNECESSARY NOISE DISTURBANCE. NONCOMMERCIAL PUBLIC SPEAKING AND PUBLIC ASSEMBLY ACTIVITIES CONDUCTED ON ANY PUBLIC SPACE OR PUBLIC RIGHT-OF-WAY SHALL BE EXEMPT FROM THE OPERATION OF THIS SECTION, EXCEPT AS OTHERWISE PROVIDED HEREIN.

B. THE FOLLOWING ACTS, AND THE CAUSING THEREOF, ARE DECLARED TO BE IN VIOLATION OF THIS ORDINANCE:

1. SOUND PRODUCTION AND REPRODUCTION SYSTEMS.

THE PLAYING, USING, OPERATING, OR PERMITTING TO BE PLAYED, USED OR OPERATED ANY TELEVISION OR RADIO RECEIVING TELEVISION OR RADIO RECEIVING SET, MUSICAL INSTRUMENT, PHONOGRAPH OR OTHER MACHINE OR DEVICE FOR PRODUCING, REPRODUCING OR THE AMPLIFYING OF SOUND IN SUCH A MANNER AS TO CREATE A NOISE DISTURBANCE OR AT ANY TIME WITH LOUDER VOLUME THAN IS NECESSARY FOR CONVENIENT HEARING FOR THE PERSON OR PERSONS WHO ARE IN THE ROOM, CHAMBER, VEHICLE OR OTHER PLACE IN WHICH SUCH AN INSTRUMENT, MACHINE, SET OR DEVICE IS OPERATED AND WHO ARE VOLUNTARY LISTENERS THERETO. THE OPERATION OF ANY SUCH TELEVISION OR RADIO RECEIVING SET, INSTRUMENT, PHONOGRAPH MACHINE OR DEVICE BETWEEN THE HOURS OF ELEVEN (11) O'CLOCK P.M. AND SEVEN (7) O'CLOCK A.M. IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF FIFTY (50) FEET FROM THE BUILDING, STRUCTURE, VEHICLE OR OTHER PLACE IN WHICH IT IS LOCATED SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS SECTION. THIS SECTION SHALL NOT APPLY TO NON-COMMERCIAL SPEECH.

2. LOUDSPEAKERS/PUBLIC ADDRESS SYSTEMS.

(a) USING OR OPERATING FOR ANY NON-COMMERCIAL PURPOSE OF ANY LOUD-SPEAKER, PUBLIC ADDRESS SYSTEM, MUSICAL INSTRUMENT OR SIMILAR DEVICE BETWEEN THE HOURS OF 10:00 P.M. AND 8:00 A.M. THE FOLLOWING DAY, SUCH THAT THE SOUND THEREFROM CREATES A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY.

(b) USING OR OPERATING FOR ANY COMMERCIAL PURPOSE OF ANY LOUDSPEAKER, PUBLIC ADDRESS SYSTEM OR SIMILAR DEVICE SO AS TO BE AUDIBLE IN RESIDENTIAL AREAS OR A NOISE SENSITIVE ZONE.

3. STREET SALES.

OFFERING FOR SALE OR SELLING ANYTHING BY SHOUTING OR OUTCRY WITHIN ANY RESIDENTIAL AREA OF THE CITY EXCEPT IN CONNECTION WITH AUCTION SALES.

4. ANIMALS AND BIRDS.

OWNING, POSSESSING OR HARBORING ANY BIRD OR ANY OTHER ANIMAL WHICH FREQUENTLY OR FOR CONTINUED DURATION, MAKES SOUNDS WHICH CREATE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR WITHIN A NOISE SENSITIVE ZONE.

5. LOADING AND UNLOADING.

LOADING, UNLOADING, OPENING, CLOSING OR OTHER HANDLING OF BOXES, CRATES, CONTAINERS, BUILDING MATERIALS, OR SIMILAR OBJECTS BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. THE FOLLOWING DAY IN SUCH A MANNER AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR WITHIN A NOISE SENSITIVE ZONE.

6. MOTOR VEHICLE REPAIRS AND TESTING.

REPAIRING, REBUILDING, MODIFYING, OR TESTING ANY MOTOR VEHICLE, OR MOTORCYCLE, OR MOTORBOAT IN SUCH A MANNER AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY.

7. CONSTRUCTION.

OPERATION OR PERMITTING THE OPERATION OF ANY TOOLS OR EQUIPMENT USED IN CONSTRUCTION, DRILLING, OR DEMOLITION WORK BETWEEN THE HOURS OF 8:00 P.M. AND 7:00 A.M. THE FOLLOWING DAY ON WEEKDAYS OR AT ANY TIME ON WEEKENDS OR HOLIDAYS, SUCH THAT THE SOUND THEREFROM CREATES A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR WITHIN A NOISE SENSITIVE ZONE, EXCEPT FOR EMERGENCY WORK OF PUBLIC SERVICE UTILITIES OR BY TEMPORARY OR SPECIAL PERMIT ISSUED PURSUANT TO SECTION 22-71 OR 22-72.

8. PLACES OF PUBLIC ENTERTAINMENT.

OPERATING, PLAYING OR PERMITTING THE OPERATION OR PLAYING OF ANY RADIO, TELEVISION, PHONOGRAPH, DRUM, MUSICAL INSTRUMENT, SOUND AMPLIFIER, OR SIMILAR DEVICE WHICH PRODUCES, REPRODUCES OR AMPLIFIES SOUND IN ANY PLACE OF PUBLIC ENTERTAINMENT AS TO PRODUCE A MAXIMUM SOUND LEVEL OF 55 dBA ON A RESIDENTIAL REAL PROPERTY BOUNDARY.

9. DOMESTIC POWER TOOLS.

OPERATING OR PERMITTING THE OPERATION OF ANY MECHANICALLY POWERED SAW, DRILL, SANDER, GRINDER, LAWN OR GARDEN TOOL OR SIMILAR DEVICE USED IN RESIDENTIAL AREAS BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M. THE FOLLOWING DAY SO AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY.

10. BURGLAR ALARMS.

SOUNDING OR PERMITTING THE SOUNDING OF ANY BURGLAR ALARM OR OTHER

ALARM OR SAFETY OR WARNING DEVICE ON ANY BUILDING OR MOTOR VEHICLE UNLESS SUCH BURGLAR ALARM SHALL TERMINATE ITS OPERATION WITHIN 15 MINUTES OF ITS BEING ACTIVATED. ANY VEHICLE UPON WHICH A BURGLAR ALARM HAS BEEN INSTALLED SHALL PROMINENTLY DISPLAY THE TELEPHONE NUMBER AT WHICH COMMUNICATION MAY BE MADE WITH THE OWNER OF SUCH MOTOR VEHICLE. ALL BURGLAR ALARMS WHICH EMIT A SOUND WHICH IS CLEARLY AUDIBLE AT ANY RESIDENTIAL PROPERTY LINE SHALL BE EQUIPPED AND REQUIRED TO AUTOMATICALLY SHUT OFF THE SOUND NO LATER THAN 15 MINUTES AFTER IT HAS BEGUN.

11. AIR CONDITIONING AND AIR HANDLING DEVICES.

THE OPERATION OF AIR CONDITIONING, AIR HANDLING DEVICES, REFRIGERATION DEVICES OR OTHER COMPRESSORS CAUSING A CONTINUOUS SOUND LEVEL IN EXCESS OF 55 dBA MEASURED AT ANY PROPERTY LINE IN RESIDENTIAL AREAS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF THE SOUND FROM THE AIR CONDITIONER OR AIR HANDLING DEVICE PRODUCES LESS THAN A 3 dBA INCREASE IN THE SOUND LEVEL THAT EXISTS IN THE ABSENCE OF SUCH SOUND.

SEC. 22-69. EXCEPTIONS.

THE FOLLOWING ACTIVITIES AND USES SHALL BE EXEMPT FROM THE NOISE LEVEL REGULATIONS ESTABLISHED BY THIS ORDINANCE:

A. NOISES OF PUBLIC OR GOVERNMENTAL SAFETY SIGNALS, WARNING DEVICES AND EMERGENCY RELIEF VALVES WHEN USED AS INTENDED FOR WARNINGS IN CASE OF EMERGENCY OR DANGER OR WHEN TESTED AND ALSO OF ALL FIRE ALARMS.

B. NOISES RESULTING FROM ANY AUTHORIZED POLICE, FIRE OR EMERGENCY VEHICLE WHEN RESPONDING TO AN EMERGENCY CALL OR ACTING IN TIME OF EMERGENCY.

C. NOISES RESULTING FROM EMERGENCY WORK. EMERGENCY WORK SHALL BE WORK WHICH IS NECESSARY TO RESTORE PROPERTY TO A SAFE CONDITION FOLLOWING A PUBLIC CALAMITY OR ACCIDENT OR WORK REQUIRED TO PROTECT PERSONS OR PROPERTY FROM AN IMMINENT EXPOSURE TO DANGER.

D. ANY NOISE RESULTING FROM ACTIVITIES OF A TEMPORARY DURATION, PERMITTED BY LAW AND FOR WHICH A TEMPORARY OR SPECIAL PERMIT HAS BEEN GRANTED IN ACCORDANCE WITH SECTION 22-71 OR 22-72 OF THIS ORDINANCE.

E. ANY AIRCRAFT OPERATED IN CONFORMITY WITH OR PURSUANT TO FEDERAL LAW, FEDERAL AIR REGULATIONS, AND AIR TRAFFIC CONTROL INSTRUCTION USED PURSUANT TO AND

WITHIN THE DULY ADOPTED FEDERAL AIR REGULATIONS.

F. NOISE FROM CHURCH BELLS OR CHIMES.

G. NOISE FROM CONSTRUCTION ACTIVITY EXCEPT SUCH NOISE AS IS SPECIFICALLY PROHIBITED BY THIS ORDINANCE..

H. NOISE RESULTING FROM THE REPAIR OF PUBLIC UTILITIES.

I. NOISE RESULTING FROM THE OPERATION OF SNOW REMOVAL EQUIPMENT WHEN BEING USED FOR OR IN CONNECTION WITH SNOW REMOVAL.

SEC. 22-70. LIMITATION OF RESPONSIBILITY.

THE CITY SHALL NOT ENFORCE ANY NOISE REGULATIONS WITHIN THE JURISDICTION OF THE MICHIGAN AND FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT.

SEC. 22-71. MAYOR: AUTHORITY TO GRANT TEMPORARY PERMIT, REVOCATION.

A. UPON APPLICATION OF A NON-PROFIT ORGANIZATION, THE MAYOR OR HIS DESIGNEE MAY ISSUE A PERMIT FOR RELIEF OF ANY OF THE RESTRICTIONS OF THIS ORDINANCE. SUCH A PERMIT SHALL NOT BE EFFECTIVE FOR MORE THAN THREE (3) DAYS AND SHALL NOT BE RENEWED MORE THAN THREE (3) TIMES. SUCH A PERMIT SHALL ONLY BE GRANTED IF IT SATISFIES REQUIREMENTS 1 OR 2 AND 3 AND 4 AS SET FORTH IN SECTION 22-72.

B. ANY PERMIT GRANTED PURSUANT TO THESE PROVISIONS MAY BE SUBJECT TO AND PRESCRIBE ANY CONDITIONS, LIMITATIONS, OR REQUIREMENTS WHICH THE MAYOR OR HIS DESIGNEE DEEMS NECESSARY TO MINIMIZE ADVERSE EFFECTS UPON THE COMMUNITY, PERSONS WITHIN THE COMMUNITY OR THE SURROUNDING NEIGHBORHOOD.

C. ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL CONTAIN ALL CONDITIONS UPON WHICH THE PERMIT HAS BEEN GRANTED AND SHALL SPECIFY THE PERIOD OF TIME THAT THE PERMIT IS IN EFFECT.

D. ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL BE REVOKED IN THE EVENT THE CONDITIONS TO WHICH IT IS SUBJECT ARE VIOLATED OR IF THE CONDITIONS SET FORTH IN PARTS (1), (2), (3) AND (4) OF 22-72 ARE NO LONGER SATISFIED.

SEC. 22-72. CITY COUNCIL; AUTHORITY TO GRANT SPECIAL PERMITS, REVOCATION, APPEAL.

(a) FOLLOWING A PUBLIC HEARING AT A REGULARLY SCHEDULED CITY COUNCIL MEETING, AND UPON RECOMMENDATION OF THE MAYOR AND APPROVAL BY AN AF-

FIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE CITY COUNCIL, A PERMIT FOR RELIEF FROM ANY OF THE RESTRICTIONS OR NOISE LEVEL REQUIREMENTS OF THIS ORDINANCE MAY BE GRANTED. APPLICATIONS FOR A PERMIT FOR SUCH RELIEF MAY BE MADE TO THE MAYOR OR HIS OR HER DESIGNATED REPRESENTATIVE. SUCH A PERMIT FOR RELIEF MAY BE GRANTED IF IT IS FOUND:

(1) THAT ADDITIONAL TIME IS NECESSARY FOR THE APPLICANT TO ALTER OR MODIFY ITS OPERATION TO COMPLY WITH THE ORDINANCE, OR

(2) THAT THE ACTIVITY, OPERATION OR NOISE SOURCE WILL BE OF TEMPORARY DURATION, AND CAN NOT BE DONE IN A MANNER THAT WOULD COMPLY WITH THE OTHER REQUIREMENTS OF THIS ORDINANCE; AND

(3) THAT NO REASONABLE ALTERNATIVE IS AVAILABLE TO THE APPLICANT; AND

(4) THAT THE NOISE CREATED WILL NOT UNREASONABLY DAMAGE OR ENDANGER THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC.

(5) RESIDENTS LIVING WITHIN THREE HUNDRED (300) FEET OF THE REAL PROPERTY BOUNDARY LINE OF THE NOISE EMITTER APPLYING FOR SUCH A PERMIT MUST BE GIVEN NOTICE OF THE APPLICATION THIRTY (30) DAYS IN ADVANCE OF THE HEARING. SUCH NOTICE SHALL BE DELIVERED BY MAIL TO ALL SUCH RESIDENTS. UNINTENTIONAL FAILURE TO NOTIFY ANY SUCH RESIDENT AS REQUIRED HEREIN SHALL NOT INVALIDATE A PERMIT ISSUED PURSUANT TO THIS SUBSECTION.

(b) ANY PERMIT GRANTED PURSUANT TO THESE PROVISIONS MAY BE SUBJECT TO AND PRESCRIBE ANY CONDITIONS, LIMITATIONS OR REQUIREMENTS WHICH THE CITY COUNCIL DEEMS NECESSARY TO MINIMIZE ADVERSE EFFECTS UPON THE COMMUNITY, PERSONS WITHIN THE COMMUNITY OR THE SURROUNDING NEIGHBORHOOD.

(c) ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL CONTAIN ALL CONDITIONS UPON WHICH THE PERMIT HAS BEEN GRANTED AND SHALL SPECIFY A REASONABLE TIME THAT THE PERMIT SHALL BE EFFECTIVE NOT TO EXCEED TWO (2) YEARS.

(d) ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL BE REVOKED IN THE EVENT THE CONDITIONS TO WHICH IT IS SUBJECT ARE VIOLATED OR, IF ISSUED PURSUANT TO SUBSECTION (a) OF THIS SECTION, IF THE CONDITIONS SET FORTH IN PARTS (1), (2), (3) AND (4) OF SUBSECTION (a) ARE NO LONGER SATISFIED OR FULFILLED.

(e) IN THE EVENT IT IS DECIDED TO REVOKE ANY PERMIT GRANTED PURSUANT TO THIS SECTION, WRITTEN NOTICE OF REVOCATION SHALL BE SERVED UPON THE

PERMITTEE OR ITS AGENT OR OFFICER PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF THE ACTIVITIES BEING CONDUCTED OR NOISE CREATED PURSUANT TO SUCH A PERMIT ENDANGERS THE PUBLIC HEALTH OR SAFETY, SUCH REVOCATION WILL BE EFFECTIVE IMMEDIATELY, OTHERWISE THE REVOCATION WILL BE EFFECTIVE TEN (10) DAYS AFTER SERVICE OF THE NOTICE OF REVOCATION.

(f) IN THE EVENT A PERMITTEE WISHES TO APPEAL THE REVOCATION OF A PERMIT ISSUED PURSUANT TO THIS SECTION, AN APPEAL MAY BE INITIATED BY FILING A WRITTEN NOTICE OF APPEAL AT THE OFFICE OF THE LANSING CITY CLERK. THE NOTICE MUST SET FORTH WITH SPECIFICITY THE REASON OR REASONS AND FACTS UPON WHICH THE PERMITTEE BASES THE APPEAL. THE NOTICE OF APPEAL MUST BE FILED WITHIN TEN (10) DAYS OF THE SERVICE OF THE NOTICE OF REVOCATION OF THE PERMIT OR OF THE DENIAL OF PERMIT. IN THE EVENT SUCH A NOTICE OF APPEAL HAS BEEN FILED IN A TIMELY FASHION AND IF THE REVOCATION OF THE PERMIT WAS NOT GIVEN IMMEDIATE EFFECT BASED ON DANGER TO PUBLIC HEALTH AND SAFETY, THE REVOCATION OF THE PERMIT WILL BE SUSPENDED UNTIL SUCH TIME AS THE PERMITTEE'S APPEAL IS DECIDED OR UNTIL SUCH A TIME AS THE LANSING CITY COUNCIL FINDS THAT THE ACTIVITIES ENGAGED IN OR NOISE PRODUCED PURSUANT TO THE PERMIT ENDANGER THE HEALTH OR SAFETY OF THE PUBLIC.

(g) IN THE EVENT AN APPEAL OF THE REVOCATION OR DENIAL OF A PERMIT GRANTED PURSUANT TO THIS ORDINANCE IS MADE, THE APPELLANT SHALL BE GRANTED A HEARING BEFORE CITY COUNCIL OR SUCH PERSONS AS CITY COUNCIL, BY RESOLUTION MAY DESIGNATE. IN THE EVENT THE PERMIT INVOLVED HAS BEEN REVOKED AND SUCH REVOCATION HAS NOT BEEN SUSPENDED, THE HEARING SHALL BE CONDUCTED AND DECISION ON THE APPEAL RENDERED AS SOON AS REASONABLY POSSIBLE. AT ANY HEARING CONDUCTED PURSUANT TO THIS ORDINANCE, THE APPELLANT SHALL BE PERMITTED TO BE REPRESENTED BY COUNSEL OF CHOICE, TO PRESENT SUCH PERTINENT TESTIMONY AND OTHER PROOF AS HE OR SHE DESIRES AND TO CONFRONT ANY WITNESS OR EVIDENCE SUBMITTED IN THE SUPPORT OF THE REVOCATION. THE DECISION ON THE APPEAL SHALL BE RENDERED IN WRITING AND A COPY OF THE DECISION IS TO BE SUPPLIED TO THE APPELLANT. IN THE APPEAL, THE APPELLANT SHALL HAVE THE BURDEN OF PROOF AS TO ALL MATTERS.

(h) FEES MAY BE ESTABLISHED FOR THE PERMITS, APPEALS OR VARIANCES GRANTED PURSUANT TO THIS ORDINANCE. SUCH FEES SHALL REFLECT THE COSTS OF GRANTING AND INVESTIGATING SUCH PERMIT AND VARIANCE REQUEST OR, IN THE CASE OF AN APPEAL, THE COST OF CONDUCTING THE HEARING OF THE APPEAL AND SHALL BE APPROVED BY CITY COUNCIL.

SEC. 22-73. REGULATIONS.

THE CITY ADMINISTRATION MAY ESTABLISH REGULATIONS GOVERNING PERMITS, EXCEPTIONS AND APPEALS PURSUANT TO THIS ORDINANCE. NO SUCH REGULATION SHALL BE EFFECTIVE UNTIL IT IS APPROVED AS TO FORM BY THE CITY ATTORNEY AND APPROVED BY THE LANSING CITY COUNCIL.

SEC. 22-74. PENALTIES AND VIOLATIONS.

A. VIOLATIONS OF THIS ORDINANCE SHALL BE PROSECUTED IN THE SAME MANNER AS OTHER VIOLATIONS OF THE CODE OF ORDINANCES.

B. EACH DAY A VIOLATION OF THIS ORDINANCE IS COMMITTED OR CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE AS SUCH.

C. VIOLATION OF THIS ORDINANCE SHALL BE PUNISHABLE BY A FINE OF UP TO \$500 OR IMPRISONMENT FOR UP TO 90 DAYS OR BOTH FOR EACH OFFENSE.

SEC. 22-75. NUISANCE, ADDITIONAL REMEDY.

AS AN ADDITIONAL REMEDY, THE OPERATION OR MAINTENANCE OF ANY DEVICE, INSTRUMENT, VEHICLE OR MACHINERY IN VIOLATION OF ANY PROVISION OF THIS ORDINANCE AND WHICH CAUSES DISCOMFORT OR ANNOYANCE TO REASONABLE PERSONS OF NORMAL SENSITIVENESS OR WHICH ENDANGERS THE COMFORT, REPOSE, HEALTH, SAFETY OR PEACE OF RESIDENT OR PERSONS IN THE AREA SHALL BE DEEMED AND IS DECLARED TO BE A PUBLIC NUISANCE AND MAY BE SUBJECT TO ABATEMENT IN ACCORDANCE WITH THE PROVISIONS OF THE LAW REGARDING PUBLIC NUISANCES.

SEC. 22-76. OTHER REMEDIES.

NO PROVISION OF THIS ORDINANCE SHALL BE CONSTRUED TO IMPAIR ANY COMMON LAW, STATUTORY OR OTHER CAUSE OF ACTION OR LEGAL REMEDY THEREFROM, OF ANY PERSON FOR INJURY OR DAMAGE ARISING FROM VIOLATION OF THIS ORDINANCE OR FROM ANY OTHER LAW.

SEC. 22-77. SEVERABILITY.

IT IS THE INTENT OF CITY COUNCIL THAT EACH SEPARATE PROVISION OF THIS ORDINANCE SHALL BE DEEMED INDEPENDENT OF ALL OTHER PROVISIONS HEREIN, AND IT IS FURTHER THE INTENTION OF THIS CITY COUNCIL AND PROVIDED THAT IF ANY PROVISION OF THIS ORDINANCE IS DECLARED TO BE INVALID, THAT ALL OTHER REMAINING PROVISION OF THIS ORDINANCE SHALL REMAIN VALID AND ENFORCEABLE.

SECTION 2. THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS AFTER ADOPTION UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

SECTION 3. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That this ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage

Carried.

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-19-86—1107, 1109 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District filed by Harry Taylor.

Z-21-86—3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District filed by James G. Bytwerk.

and recommended that the ordinances be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-19-86—1107, 1009 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-19-86—1107, 1009 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District be placed on order of immediate passage.

sion of the district maps adopted by Section 36-6 of the Code for property located at Z-19-86—1107, 1109 and 1115 N. Seymour to be rezoned from "C" Residential and "DM-4" Residential Districts to "DM-1" Residential District be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Lindemann—1.

ORDINANCE NO. 2197

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-19-86, 1107, 1109 and 1115 N. Seymour.

Parcel Numbers: 3301-09-329-1413301-09-329161

Legal Description: Lot 4 and the east 8 rods of Lot 5, except the south 3 feet, 6 inches of the east 6 rods, Block 36, Original Plat, City of Lansing, Ingham County, Michigan

From "C" Resident and "DM-4" Residential Districts to "DM-1" Residential District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-21-86—3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-21-86—3427 Pleasant Grove Road to be rezoned from "A" Residential to "E-2" Local Shopping District be now passes.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Schmidt and Worthington—7.

NAYS: None.

ABSENT: Councilmember Lindemann—1.

ORDINANCE NO. 2198

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-21-86, 3427 Pleasant Grove Road

Parcel Number: 3301-32-101-011

Legal Description: Commencing on the west line of Section 32, T4N, R2W, City of Lansing, Ingham County, Michigan, 303 feet south of the northwest corner of said Section; thence south on the west line of Section 32, 81.93 feet; thence on a bearing north 53° 40' east 250 feet; thence north 81.93 feet; thence on a bearing south 53° 40' west 250 feet to the point of beginning.

From "A" Residential District to "E-2" Local Shopping District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions thereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Councilmember Lindemann returned to the meeting.

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of property located in the City of Lansing

Michigan, and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

Z-20-86—1037 Lenore, 2001, 2009, 2011, 2015 and 2019 S. Logan Street to be rezoned from "B" Residential District to "J" Parking District.

and recommended that the rezoning ordinance be denied.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-20-86—1037 Lenore, 2001, 2009, 2011, 2015 and 2019 S. Logan Street to be placed on order of denial.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-20-86—1037 Lenore, 2001, 2009, 2011, 2015 and 2019 S. Logan Street to be rezoned from "B" Residential District to "J" Parking District be now denied.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Revising Sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Area

was introduced by Councilmember Creamer, read a first and second time by its title and referred to the Committee on Physical Development.

By COUNCILMEMBER CREAMER—

RESOLUTION #0478

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the introduction of an Ordinance and setting a public hearing for the expansion of the Capitol Commons Area. Public hearing to be November 24, 1986.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

REMARKS BY THE MAYOR

Mayor announced that Clippert St. would open to two-way traffic on Friday October 24, 1986.

REMARKS BY THE CITY COUNCIL

Councilmember Lindemann spoke regarding the Noise Ordinance. Thanked Committee members and stated the administration should brief the Police Dept. on the new ordinance for enforcement.

Councilmember Creamer lauded Priscilla Holmes and Sue Eby for planting flowers on S. Washington Ave.

Councilmember Schmidt remarked on the flowers from staff members in honor of "Boss' Day."

Councilmember Blair presented following resolution:

Resolved by the City Council to request the Mayor to immediately print a brochure explaining newly adopted Noise Ordinance for general distribution by the City of Lansing.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

Councilmember Belen remarked about the brochure for noise ordinance.

Councilmember Benavides announced U.N. Day celebration for Friday with a flag raising in front of City Hall, a celebration in the Council Chambers and a dinner in the Terrance Room of the Civic Center on Friday night.

REMARKS BY THE AUDIENCE

Brenda Crook spoke and asked that the City Council keep the youth of the city in mind when considering the present Civic Center use.

Larry Meyer, President of the Civic Center/Exhibition Authority spoke and thanked council for their work on the lease.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:50 P.M.

RITA M. BAUMAN
City Clerk

October 20, 1986.
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, October 27, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

October 27, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

Council Proceeding of September 22 and 29, 1986 approved and carried.

PUBLIC HEARINGS

Reviewing Assessment Roll No. 299

This is the time set for hearing appeals on the special assessment roll for storm sewer, sanitary sewer, curb and gutter on proposed Edgewood Blvd. Extension.

Dick Neller, representing Walter Neller Realty and Walter Neller Enterprises, spoke in support of assessment as they own 70% of the property and offered suggestions.

John Dood, 712 Michigan National Towers, Attorney representing Edgewood Associates (other owners of property) spoke in opposition.

Referred to the Committee on Physical Development.

October 27, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in the Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983 said proposed amendment being as follows:

That the property described as: Z-22-86, Mt. Hope Avenue at Bradley (Southwest corner)—Lots 8 and 9, Rockford Subdivision; a part of the north half of the northwest ¼ Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan to be rezoned from "C" Residential District to "F" Commercial District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code he had the privilege of speaking at this time.

Dale Nemeth, Petitioner, spoke.

Referred to the Committee on Physical Development.

October 27, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983, said proposed amendment being as follows:

That the property described as: Z-24-86—1035 East Saginaw St. Lots 29 and 30 except the south 7 feet thereof, Metlin Addition, City of Lansing, Ingham County, Michigan to be rezoned from "C" Residential District to "D-1" Professional Office District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code, he had the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

October 27, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983, said proposed amendment being as follows:

That the property described as: Z-25-86—208 East Mt. Hope Ave. The north 162 feet of the west 100 feet, except the north 10 feet of Lot 5, Assessor's Plat

#46, on the northeast ¼ section 28, T4N, R2W, City of Lansing, Ingham County, Michigan, to be rezoned from "B" and "C" Residential Districts to "D-1" Professional Office District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code, he had the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

October 27, 1986, at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time set as the time for holding a hearing on the proposed changes in Classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983, said proposed amendment being as follows:

That the property described as: Z-26-86—1015 McKim Avenue the west 50 feet of Lots 44 and 45 and the south 5.5 feet of the west 50 feet of Lot 46, Assessor's Plat #44, City of Lansing, Ingham County, Michigan to be rezoned from "A" Residential District to "J" Parking District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided for in the Zoning Code, he had the privilege of speaking at this time.

Ivan Christian, representing Calvary United Methodist Church (petitioner) spoke.

Referred to the Committee on Physical Development.

October 27, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Special Land Use SLU-5-86, 5600 South Logan Street for construction of a church.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed special land use, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

October 27, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Project Plan for the LGH Office Building Project and the Issuance of Limited Obligation Revenue Bonds.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed EDC Project Plan they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Economic Development.

October 27, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing for the repeal of Chapter 14 containing Sections numbered 14-1 through 14-317 inclusive, of the Code of Ordinances, City of Lansing, Michigan, and declaring the same to be null and void and of no effect.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Ordinance Repeal they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

October 27, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinances for the propose of adopting the 1985 Uniform Fire Code.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Ordinance addition of Chapter 14 they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Mary Elias, Okemos, MI, spoke regarding her claim No. 3b.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Liquor, Beer and Wine Carry-Out—Jackpot Party Store, 2922 S. Cedar.

Building Wrecker—Continental Bridge, Inc.

Referred to the Committee on General Services.

Third Party Summons and Complaint filed in 30th Judicial Circuit Court by Ingham County Road Commission vs. City of Lansing and Barnhart & Sons Construction, Inc., regarding injuries and damages sus-

tained by Layla Ahmad and K. S. Ahmad on W. Willow St.

Referred to the City Attorney.

Claims filed by:

a. Joe Snell, 506 E. Michigan Ave., for towing of automobile and ticket received for parking in alley.

b. Gilbert J. and Mary L. Elias, Okemos, MI, for expenses incurred due to property at 3115 W. Genesee being disconnected from the new storm drain when it was installed.

Referred to the City Attorney.

Petition filed for Special Land Use—SLU-11-86, 1900 S. Cedar Street for establishing a facility for a research and assemblage of small computer components filed by George F. and Louis J. Eyde.

Referred to the Mayor and Planning Board.

Michigan Liquor Control submits:

a. Request from Assunta DeMarco for transfer ownership of 1986 Class C. License at 623 E. Michigan from Gunnara DeMarco.

b. Sammy's Inc. (A Mich. Corp.) to transfer ownership of a 1986 Class C licenses business, located at 301 E. Jolly Rd. (Milo's Taverna) from Julius Rambat.

Referred to the City Clerk.

Letter and petitions submitted regarding extra funding needed for Foster's Pre-School Program at Foster Community Center.

Referred to the Mayor.

Councilmember Lindemann left the session.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA:

Mayor McKane spoke regarding letters 3a (Robert Ryan—recipient of Michigan Rehabilitation Association Outstanding Professional for 1986 Award) 3b (Resignation of David a Nussdorfer from Board of Water and Light) 3h (Thank You Letter—Professional Secretaries International) and spoke regarding Embassy Suites proposal enhancing the downtown area.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Liquor, Beer and Wine Carry-Out: Jackpot Party Store, 2922 S. Cedar St.

Building Wrecker/Demolition License—Continental Bridge, Inc.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Councilmember Lindemann returned to the meeting. Councilmember Creamer left the meeting.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following Ordinances:

Providing for the repeal of Chapter 14 containing sections numbered 14-1 through 14-317 inclusive, and declaring the same to be null and void and of no effect.

Providing that a new Chapter 14 be added to the Code of Ordinances for the purpose of adopting the 1985 Uniform Fire Code.

Reports as follows:

That said ordinances be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

Councilmember Creamer returned to the meeting.

October 23, 1986

President Benavides and Members of the Lansing City Council

RE: Claim of Salija Bokram

Dear President Benavides and Members of the City Council:

On August 8, 1986 Salija Bokram submitted a claim to City Council in the amount of \$65.00. Claimant indicates that while her car was parked at the North Grand Ramp, it was covered with a white substance which chipped the paint on her vehicle. Claimant indicates that this is the second time her vehicle was damaged due to construction in the North Grand Ramp.

After discussions with this office, the general contractor for the North Grand Garage Expansion, Vec-

tor Construction, has agreed that they are liable for the damage caused to the claimant's vehicle by their construction activity. Therefor, Ms. Bokram's claim was referred to Vector Construction for payment by Vector Construction to the claimant and not further action need be taken in this matter.

Respectfully submitted,

Alvan P. Knot
Chief Assistant City Attorney

Received and Placed on File.

October 23, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of William Paul Goedert
in the Amount of \$78.27

Dear President Benavides and
Members of Lansing City Council:

On August 8, 1986 City Council received a claim from William Paul Goedert, of Haskins Apartments #1, La Paz, Indiana 46537 in the amount of \$78.27. Claimant states his left rear tire was flattened on July 25, 1986 when he ran over a sign post fragment while turning from the north into the driveway of 327 Walnut Street. The sign post fragment was located in the Grassy area near the curb and the driveway entrance. Claimant's tires were relatively new and had a 20,000 mile guarantee for normal use. The lower of two replacement estimates obtained was \$78.27.

The Transportation Engineer investigated the claim and found that the traffic sign shop crew first learned of the problem and responded to a complaint regarding the sign post stub on the same day claimant's tire was flattened. The crew observed that the stub protruded approximately three (3) inches above the ground and was extremely corroded. The crew hammered the exposed post into the ground. The Engineer reports that the only way to run over the post stub was to also run over the curb. A check of the computerized sign inventory, which catalogs all traffic signs in use since 1973, did not reveal any record of a sign at the location in question. The Engineer also noted that it would be inconsistent with City practice to install any sign that near a driveway. He speculates the stub could be the remain of a private driveway marker.

Based upon all the facts as set forth above, the cause of the tire damage was not due to negligence by the City or its employees. It is, therefore, the recommendation of this office and the Public Service Department that this claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

October 24, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Bonnie Alston Bell

Dear President Benavides and
Members of Lansing City Council:

On August 11, 1986, Bonnie Alston Bell, 4427 Ingham, Lansing, filed a \$3,865.00 claim for damages to her house, materials, and furniture caused by raw sewage backup allegedly due to a faulty City sewer system on Thursday, June 12, 1986.

This claim has been referred to the City's insurance company for resolution. Therefore, no further action need be taken by the Council at this time.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

Received and Placed on File.

President Tony Benavides
and Lansing City Council

Dear President Benavides:

This communication is in response to you September 29, 1986, letter which relates to five (5) questions which were raised by citizens who attended the Lansing City Council Meeting on September 22, 1986, relative to the Capitol View Apartment residents who were effected by the condemnation of that housing apartment building which resulted in a number of families who had not found alternate housing.

(1) What, exactly, has the Lansing Housing Commission done for these displaced individuals?

As of October 7, 1986, the Lansing Housing Commission had received eleven (11) applications from families living in the Capitol View Apartments. Five (5) of those families have been assigned units under Commission management. One family has been provided assistance through the issuance of a Section 8 Certification which will allow her to seek housing owned by private landlords with a Section 8 Government subsidy permitting her to pay 30% of her income with the Government paying the difference up to a maximum fair market rent. Two (2) of the families which have applied, have not been placed because the Housing Commission does not have a unit available of sufficient size to meet the needs of their families. Three (3) families who have applied, with the Lansing Housing Commission, for shelter, it has been reported have found housing on their own and are no longer interested in shelter through the Housing Commission.

(2) How many of these displaced individuals have been accommodated in Housing Commission units?

In regard to this question, please refer to the response relative to question number (1) above. Additionally, in relation to questions (1) and (2) please let it be noted that the Lansing Housing Commission does not provide to displaced persons a service outside the provision of opportunity to apply for Housing Com-

mission units which are owned and managed by the Lansing Housing Commission or through the issuance of Section 8 certification so as to permit qualifying low-income families to pursue housing in the private sector with a Section 8 subsidy.

(3) Do you know of, or could you find, any other available units to house these individuals?

Relative to this question, please refer to secondary response to question number (2) above.

(4) How prepared is the Housing Commission to accept qualified tenants on an emergency basis?

The Lansing Housing Commission has an Admission Policy which provides for priority consideration for persons who qualify within the context of that Policy as being in an emergency status. The two basic criteria for qualifying via the Commission's Policy for emergency consideration are; 1) Families who have been the victims of a "burn-out" and are without housing due to the effects of their present dwelling unit having been subjected to damage due to fire; 2) The family is without housing due to government action, i.e., condemnation, and 3) Categories of families generally receive priority in relationship to placement in Housing Commission properties and such priority is based on the emergency nature of their circumstances surrounding the lack of shelter which those families find themselves in. The Commission's Admission Policy does reserve the right for the Housing Commission to give top priority to the transfer of Housing Commission families who are currently residing within Housing Commission properties.

It is important to note that the comments above, relative to the Commission's Admission Policy and the established procedures utilized to assist those families which have an urgent need for housing, as a result of emergencies, to understand that the Housing Commission is limited by the number and size units which are available at any given time. In order to facilitate efficient rent-up of available units, the Housing Commission systematically pre-assigns and communicates that assignment to residents who are eligible for transfer and applicants who have applied and been determined eligible for placement. Thus, Housing Commission residents and other interested parties who view a unit as being empty and available, are not necessarily correct in their assessment of a vacant unit or vacant unit availability.

Of the 935 units under management by the Lansing Housing Commission, currently there are a total of thirteen (13) vacancies in the family units. Of those thirteen (13), six (6) of the units are ready, four (4) of the units are assigned to either residents for transfer or incoming new applicants. Two (2) of the units are currently being rehabilitated and three (3) of the units have not been started on relative to rehabilitation. Additionally, there are thirteen (13) senior units that are vacant at the Commission's Oliver Tower and South Washington Park Developments of which twelve (12) are ready for rent and one (1) is currently in the process of being rehabilitated.

(5) Do you have a plan to deal with an emergency need for low income housing?

Other than the qualifying criteria for admission, which outlines the Commission's urgency of need status, relative to families which find themselves in an

emergency and applying for Housing Commission rental units, the Commission has no emergency housing plan. The Housing Commission provides through the low rent Department of Housing and Urban Development, housing programs, permanent rental housing for qualifying families. Additionally, the Commission operates a Section 8 Existing and New Construction Program of approximately 391 units which provides to qualifying persons Section 8 subsidy of their rent, to private landlords throughout the Lansing Community. The Commission, however, given its stated criteria of admission and specifically its policy of considering families who have been subjected to a national disaster as its first priority for placement, stands ready to assist the community in the placement of families who find themselves without housing under those stated conditions, to the extent that units are available to offer at the time of such an occurrence.

As has been communicated to you previously and to the Lansing City Council, the Lansing Housing Commission has sought authorization from the Department of Housing and Urban Development to utilize vacant units in the past for temporary shelter in an effort to house homeless individuals within our community. Such authorization was not forthcoming from HUD. Given the current status of such request to utilize current Commission property, should such property be available, which at this point in time it is not, it appears that the City of Lansing, given its interest in providing emergency and/or temporary shelter to qualifying individuals and families, must pursue other avenues. To the extent that the Housing Commission has the experience and expertise, its staff and Commission would welcome the opportunity to serve on such developmental efforts and would be agreeable to the consideration of the operation and/or management of such facilities once such developmental efforts determine and generate the necessary resources to carry out such needed public services within our community.

Should you have any additional questions relative to the responses provided for to the five questions which were raised, or should you have any questions regarding other areas of response, please do not hesitate to contact me.

Sincerely,

WALTER NORRIS, JR.
Executive Director
Lansing Housing Commission

Received and Placed on File.

October 23, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and Councilmembers:

It is my great pleasure to inform you that Robert Ryan, Social Worker with our Human Resources Department, has been selected by the Michigan Rehabilitation Association as an Outstanding Professional for 1986. Mr. Ryan was given this honor at the Michigan Rehabilitation Conference which was held October 22-24, 1986 at the Clarion Hotel and Conference Center.

Mr. Ryan was chosen for this award for his commitment and dedication in assisting persons with disabilities. A member of the Governor's Advisory Council to the Client Assistance Program and consultant on handicapper issue-oriented legislation, he is known for his advocacy efforts for individual handicappers with special needs. Mr. Ryan also serves on my Mayor's Handicapper Advisory Committee. Colleagues characterize Mr. Ryan as innovative, sensitive, and persistent.

I would ask that you join with me in extending congratulations to Bob for this award, and for his commitment to the needs of others.

Sincerely,

TERRY J. MCKANE
Mayor

Received and Placed on File.

DATE: 10/22/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Board of Water and Light resignation—
David A. Nussdorfer

The attached correspondence is submitted for your information.

Receive and Placed on File.

DATE: 10/23/86

TO: Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update.

The attached correspondence is submitted for your information.

Referred to the Committee on General Services.

DATE: 10/23/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: "D-2" Residential/Office Proposed Zoning District.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 10/23/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: SLU-7-86, East Side, 5200 Block of South Waverly Rd.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

Councilmember Lindemann left the meeting.

DATE: 10/23/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment L-29 (\$2,818.72)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the Grass Assessment to placed on the tax roll.

Carried.

Councilmember Lindemann returned to the meeting.

DATE: 10/23/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31 (\$4,234.75)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER SCHMIDT—

That we concur in recommendation of the Mayor and the trash assessment to be placed on the tax roll.

Carried.

DATE: 10/17/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Thank you letter—Professional Secretaries International.

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 10/23/86

TO: Council President Tony Benavides and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of funds.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

Councilmember Blair left the meeting.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0479

Resolved by the City Council of the City of Lansing

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the Building located at 5312 South Waverly legally described as:

The north one (1) acre of that part of the North fractional $\frac{1}{2}$ of the Northeast fractional $\frac{1}{4}$ of Section 1, Town 3 North, Range 3 West, Windsor Township, Eaton County, Michigan, lying South and East of New York Central Railroad right of way, now located in the City of Lansing.

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on September 18, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on October 20, 1986 to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore, Be It Resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved, that should the owner fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be It Further Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved, that the owner in whose name the property appears on the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7)

NAYS: None.

ABSENT: Councilmember Blair—(1).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0480

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 824 Middle legally described as:

North 28 $\frac{3}{4}$ feet of South 77 $\frac{1}{2}$ feet, Lots 13 and 14, Riverview Heights Subdivision, City of Lansing, Ingham County, Michigan

was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Officers on September 18, 1986 at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on October 20, 1986 to review the findings and order of

the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to and show cause why said building should not be demolished and otherwise made safe;

Now, Therefore, Be it Resolved, that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved, that should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

Be It Further Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved, that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7)

NAYS: None.

ABSENT: Councilmember Blair—(1)

By COMMITTEE ON GENERAL SERVICES— RESOLUTION #0481

Resolved by the City Council of the City of Lansing:

Whereas, Alhaji M. Kabba has applied to the Michigan Liquor Control Commission for the SDM License for a convenience store located at 1620 Perkins Street; and

Whereas, the City's review process of this application, conducted in accordance with the provisions of Section 4-13 and 4-14 of the City Code, resulted in a recommendation from the Planning Division that the City Council file a letter of objection to the issuance of the beer and wine takeout license at this address due to inadequate parking, inadequate screening of refuse disposal facilities, and inappropriate location within an established residential neighborhood; and

Whereas, the Committee on General Services assigned the City Attorney to conduct a hearing to offer the applicant and Planning Division representatives the opportunity to resolve the objections to issuance of the license; and

Whereas, at the hearing the applicant agreed to make certain property improvements stipulated by the City, and the Planning Division now recommends conditional approval of the application; and

Whereas, the Committee on General Services has reviewed and endorsed the Planning Division recommendation;

Now, Therefore, Be It Resolved the Lansing City Council hereby recommends to the Michigan Liquor Control Commission that the application of Alhaji M. Kabba for a beer and wine takeout license at 1620 Perkins Street, Lansing, be approved, provided each of the following conditions is met by the applicant:

1. At least three (3) parking spaces shall be installed and hard-surfaced in the rear yard of the property by November 30, 1986.
2. Opaque fencing shall be installed along the west and south properties west of the building by November 30, 1986.
3. The residential use of the building shall be discontinued.
4. The Trash receptacles shall be located in the rear yard.
5. The property shall be kept in a well-maintained manner.

And Be It Further Resolved, the City of Lansing shall advise the Michigan Liquor Control Commission of the status of these conditions after inspection of the property on or about November 30, 1986.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7)

NAYS: None.

ABSENT: Councilmember Blair—(1).

Councilmember Blair returned to the meeting.

PRILIMINARY NOTE AUTHORIZING RESOLUTION

RESOLUTION #0482

City of Lansing
Counties of Ingham and Eaton, Michigan

Whereas, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "Issuer") intends to authorize the issuance and sale of Notes (the "Notes") pursuant to Section 3b of Chapter IV of Act 202 of the Public Acts of Michigan, as amended, MCL 131.1 et seq. ("Act 202") in anticipation of the collection of all or part of the property taxes to be levied on December 1, 1986 (the "Tax Levy"), on property located within the corporate boundaries of the City by the City and by any or all of the other units of government for which the City is the local property tax collecting unit pursuant to Act 206 of the Public Acts of Michigan 1983, as amended, MCL 211.1 et seq. ("Act 206") (collectively, the "Units"); and

Whereas, the City is further authorized by Act 202 to distribute to itself and to the Units the proceeds of

such Notes together with sufficient amounts of the initial tax collections, if needed, to effect a 100% funding of the taxes levied, thereby providing the City and the Units with an improved cash flow for local budget purposes; and

Whereas, pursuant to Act 202, the City has or will shortly provide notice to each of the Units of its intent to issue the Notes; and

Whereas, pursuant to such notice, the Units have each adopted or are expected to adopt a resolution to consent to the request the issuance of the Notes and to authorize the execution of an agreement with the City (collectively, the "Tax Levy Agreements") to set forth the responsibilities of the City and each Unit with respect to the Notes; and

Whereas, the issuance of the Notes will serve a public purpose; and

Whereas, pursuant to Act 202, the City hereby determines to borrow an amount not to exceed \$35,000,000 and issue its tax anticipation notes to evidence such borrowing; and

Whereas, prior to issuance of Notes the Issuer must either receive prior approval of the Notes from the Department of Treasury ("Treasury") of the State of Michigan or be exempt from prior approval as provided in Chapter III, Section 11, of Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and

Whereas, in order to be exempt from prior approval, the Issuer must notify Treasury of the Issuer's intent to issue the Notes.

Now, Therefore, Be It Resolved That:

1. The City shall borrow an amount not to exceed \$35,000,000 and issue the Notes pursuant to Act 202, in anticipation of the pledged portion of the Tax Levy.

2. The Notes shall be delivered with the unqualified legal opinion of Miller, Canfield, Paddock and Stone, bond attorneys of Lansing and Detroit, Michigan, who are designated as note counsel with respect to the Notes.

3. The Mayor, City Clerk, City Assessor, City Treasurer, Finance Director, City Controller, and/or Deputy City Controller and all other officers and agents of the City are authorized and directed to negotiate the terms of such certificates, affidavits, documents or instruments as may be required or be convenient to effectuate the execution and delivery of such documents or the Notes.

4. The Controller or Deputy Controller of the Issuer are authorized to notify Treasury of the Issuer's intent to issue the Notes described in the preamble to this resolution, to execute the Notice of Intent form required by Treasury, to pay the related fee, to request an order providing an exception for the Notes from prior approval by Treasury, to request a waiver of the requirements of Act 202 regarding credit enhancement, and to execute and deliver other documents as may be required by Treasury in connection with such order.

5. The Issuer hereby agrees to file with Treasury the documents required by Section 10(1) of Chapter III of Act 202.

6. In the event the State Treasurer of the State of Michigan issues an order denying an exception from prior approval, the Controller or deputy Controller of the Issuer are authorized to submit an application for prior approval to Treasury and to execute and deliver any documents as may be required by Treasury in connection therewith.

7. The Mayor, City Clerk, Director of Finance, City Treasurer, the City Controller, or the Deputy City Controller and all other officers and agents of the City are authorized to do all things necessary to effect the sale, issuance and delivery of the notes in accordance with the provisions of this resolution and to implement the provisions of any agreements with respect to the issuance of the notes or the security for the payment of the principal of the interest on the notes to which the City is a party including the execution and delivery of all documents, instruments and agreements necessary therefor.

8. All actions taken on behalf of the City by the City Controller or the Deputy City Controller or other officials of the City with respect to the issuance of the Notes are ratified.

9. This Resolution shall be effective immediately upon adoption.

10. All resolutions or parts of resolutions in conflict with this Preliminary Note Authorizing Resolution shall be, and the same are, rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on October 27, 1986, at 7:00 o'clock p.m., Michigan Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington, and that the following Members were absent—none.

I further certify that Member Lindemann move adoption of said resolution and that Member Worthington supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8). And that the following members voted against adoptions of resolution: None.

RITA M. BAUMAN
City Clerk

By COUNCILMEMBER CREAMER—

RESOLUTION #0483

Resolved by the City Council of the City of Lansing

That a public hearing be set for Monday, November

17, 1986, at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving Special Land Use SLU-11-86, 1900 S. Cedar Street to establish a facility for a research and assemblage of small computer components, in a portion of the building.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COUNCILMEMBER —

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Providing for the repeal of Chapter 14 containing sections numbered 14-1 through 14-317 inclusive, and declaring the same to be null and void and of no effect.

Providing that a new Chapter 14 be added to the Code of Ordinances for the purpose of adopting the 1985 Uniform Fire Code and recommended that the ordinances be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 14 containing Sections numbered 14-1 through 14-317 inclusive, and declaring the same to be null and void and of no effect be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 14 containing Sections numbered 14-1 through 14-317 inclusive, and declaring the same to be null and void and of no effect be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 728

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 14 CONTAINING SECTIONS NUMBERED 14-1 THROUGH 14-317 INCLUSIVE, OF THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

The City of Lansing Ordains:

Section 1. That Chapter 14 containing Sections numbered 14-1 through 14-317 inclusive, of the Code of Ordinances, City of Lansing, Michigan are hereby repealed and declared null and void and of no effect.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that a new Chapter 14 be added to the Code of Ordinances for the purpose of adopting the 1985 Uniform Fire Code, be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that a new Chapter 14 be added to the Code of Ordinances for the purpose of adopting the 1985 Uniform Fire Code by now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 729

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT A NEW CHAPTER 14 BE ADDED TO THE CODE OF ORDINANCES FOR THE PURPOSE OF ADOPTING THE 1985 UNIFORM FIRE CODE.

The City of Lansing Ordains:

Section 1. That the Code of Ordinances of the City of Lansing, Michigan, be amended by adding a new Chapter 14, to read as follows:

LANSING UNIFORM FIRE CODE

SEC. 14-1. NAME.

THIS CHAPTER, TOGETHER WITH THE "UNIFORM FIRE CODE" AND "UNIFORM FIRE CODE STANDARDS" NATIONAL FIRE PROTECTION INC, PUBLICATIONS: #10-PORTABLE FIRE EXTINGUISHERS, #13-SPRINKLER SYSTEMS, #13A-SPRINKLER SYSTEMS-INSPECTION, TESTING AND MAINTENANCE, #14-STANDPIPE AND HOSE SYSTEMS, #20-CENTRIFUGAL FIRE PUMPS, #30-FLAMMABLE AND COMBUSTIBLE LIQUIDS, #31-INSTALLATION OF OIL BURNING EQUIPMENT AND TANK STORAGE, #71-CENTRAL STATION SIGNALING SYSTEMS, #72E-AUTOMATIC FIRE DETECTORS, #80-FIRE DOORS AND WINDOWS, #96-REMOVAL OF SMOKE AND GREASE LADEN VAPORS FROM COMMERCIAL COOKING EQUIPMENT, #101-SAFETY CODE, #231C-RACK STORAGE OF MATERIALS, ADOPTED HEREBY, SHALL HEREINAFTER BE KNOWN AS THE "LANSING UNIFORM FIRE CODE".

SEC. 14-2. ADOPTION OF THE LANSING UNIFORM FIRE CODE—1985 EDITION.

THAT CERTAIN DOCUMENT OR BOOKLET ACCOMPANYING THIS CHAPTER, OFFICIAL COPIES OF WHICH ARE ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LANSING, BEING MARKED AND DESIGNATED AS THE "UNIFORM FIRE CODE", 1985 EDITION, AND THE "UNIFORM FIRE CODE STANDARDS", 1985 EDITION, N.F.P.A. PUBLICATIONS #10, #13, #13A, #14, #20, #30, #31, #71, #72E, #80, #96, #101, #231C, PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND WESTERN FIRE CHIEFS ASSOCIATION, ARE HEREBY ADOPTED IN WHOLE THEREOF SAVE AND EXCEPT SUCH PORTIONS AS ARE HEREINAFTER DELETED, MODIFIED, OR AMENDED BY SECTION 14-3 OF THIS CHAPTER PURSUANT TO THE AUTHORITY VESTED IN THE CITY OF LANSING BY MCLA 125.1508; MSA 5.1192(5).

THIS CODE PROVIDES SAFEGUARDING TO A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OF OR OCCUPANCY OF BUILDINGS OR PREMISES WITHIN THE CITY OF LANSING AND PROVIDING FOR THE ISSUANCE OF PERMITS; PROVIDING PENALTIES FOR VIOLATION OF SUCH CODE; AND EACH AND ALL OF THE REGULATIONS, PROVISIONS, PENALTIES, CONDITIONS AND TERMS THEREOF SHALL BE DEEMED ADOPTED AND MADE A PART HEREOF BE REFERENCE AS IF FULLY SET OUT IN THIS CHAPTER.

SEC. 14-3. AMENDMENTS TO THE LANSING UNIFORM FIRE CODE, 1985 EDITION.

THE UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS ADOPTED BY SECTION 14-2 OF THIS CHAPTER ARE HEREBY CHANGED, ALTERED OR AMENDED TO READ AS FOLLOWS:

ADD TO SECTION 2.101 ENTITLED "RESPONSIBILITY FOR ENFORCEMENT" A SUBSECTION (i) WHICH READS AS FOLLOWS:

(i) TO INVESTIGATE FALSE REPORTS OF FIRE OR BOMBS.

DELETE SECTION 2.302 ENTITLED "BOARD OF APPEALS" AND SUBSTITUTE A NEW SECTION ENTITLED "BOARD OF APPEALS" TO READ AS FOLLOWS:

THE LANSING FIRE PREVENTION BOARD OF APPEALS SHALL BE KNOWN AS THE BUILDING BOARD OF APPEALS CREATED PURSUANT TO SECTION 9-3 OF CHAPTER 9 OF THE LANSING CODE OF ORDINANCES.

ADD A NEW SECTION 3.105 ENTITLED "ENFORCEMENT" TO READ AS FOLLOWS:

THE CHIEF AND MEMBERS OF THE FIRE PREVENTION BUREAU ARE AUTHORIZED AND DIRECTED TO ENFORCE ALL OF THE PROVISIONS OF THIS CODE AND FOR SUCH PURPOSES SHALL HAVE THE POWERS OF A LAW ENFORCEMENT OFFICER.

DELETE SECTION 4.101 AND ADD A NEW SECTION 4.101 ENTITLED "PERMIT REQUIRED" TO READ AS FOLLOWS:

A PERMIT SHALL BE OBTAINED FROM THE CITY PRIOR TO ENGAGING IN THE FOLLOWING ACTIVITIES, OPERATIONS, PRACTICES OR FUNCTIONS:

SECTION 4.101(I) FLAMMABLE OR COMBUSTIBLE LIQUIDS AND TANKS.

(A) TO STORE, HANDLE OR USE CLASS I LIQUIDS IN EXCESS OF 5 GALLONS IN A BUILDING OR IN EXCESS OF 10 GALLONS OUTSIDE OF ANY BUILDING, EXCEPT THAT A PERMIT IS NOT REQUIRED FOR THE FOLLOWING:

(i) THE STORAGE OR USE OF CLASS I LIQUIDS IN THE FUEL TANK OF A MOTOR VEHICLE, AIRCRAFT, MOTORBOAT, MOBILE POWER PLANT OR MOBILE HEATING PLANT, UNLESS SUCH STORAGE, IN THE OPINION OF THE CHIEF, WOULD CAUSE AN UNSAFE CONDITION.

(ii) THE STORAGE OF USE OF PAINTS, OILS, VARNISHES OR SIMILAR FLAMMABLE MIXTURES WHEN SUCH LIQUIDS ARE STORED FOR MAINTENANCE, PAINTING OR SIMILAR PURPOSES FOR A PERIOD OF NOT MORE THAN 30 DAYS.

(B) TO STORE, HANDLE OR USE CLASS II OR CLASS III-A LIQUIDS IN EXCESS OF 25 GALLONS IN A BUILDING OR IN EXCESS OF 60 GALLONS OUTSIDE A BUILDING, EXCEPT

FOR FUEL OIL USED IN CONNECTION WITH OIL-BURNING EQUIPMENT.

(C) TO REMOVE CLASS I OR CLASS II LIQUIDS FROM AN UNDERGROUND STORAGE TANK USED FOR FUELING MOTOR VEHICLES BY ANY MEANS OTHER THAN THE APPROVED, STATIONARY ON-SITE PUMPS NORMALLY USED FOR DISPENSING PURPOSES.

(D) TO INSTALL, ALTER OR OPERATE EQUIPMENT IN CONNECTION WITH THE STORAGE, HANDLING, USE OR SALE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS REGULATED UNDER ARTICLE 79.

(E) TO INSTALL, ALTER, REMOVE, ABANDON, PLACE TEMPORARY OUT OF SERVICE OR OTHERWISE DISPOSE OF ANY FLAMMABLE OR COMBUSTIBLE LIQUID TANK. SEE ARTICLE 79.

(F) TO CHANGE THE TYPE OF CONTENTS STORED IN ANY FLAMMABLE OR COMBUSTIBLE LIQUID TANK TO A MATERIAL OTHER THAN THAT FOR WHICH THE TANK WAS DESIGNED AND CONSTRUCTED.

SECTION 4.101(2) LIQUEFIED PETROLEUM GASES.

EXCEPT FOR PORTABLE CONTAINERS OF LESS THAN 120 GALLONS WATER CAPACITY TO INSTALL OR MAINTAIN ANY LP GAS CONTAINER OR OPERATE ANY TANK VEHICLE WHICH IS USED FOR THE TRANSPORTATION OF LP GAS. WHERE A SINGLE CONTAINER OR THE AGGREGATE CAPACITY OF INTERCONNECTED CONTAINERS IS OVER 1200 GALLONS WATER CAPACITY, THE INSTALLER SHALL SUBMIT PLANS FOR SUCH PERMITS.

SECTION 4.101 (3) FIRE SUPPRESSION SYSTEMS.

TO DESIGN, INSTALL, MODIFY TEST, SERVICE, AND MAINTAIN ANY AND ALL FIRE SUPPRESSION SYSTEMS IN ACCORDANCE WITH ANY AND ALL CODES THAT APPLY TO THIS INSTALLATION.

SECTION 4.101 (4) FIRE ALARM SYSTEMS.

TO DESIGN, INSTALL, MODIFY, TEST, SERVICE, AND MAINTAIN ANY AND ALL FIRE ALARM SYSTEMS IN ACCORDANCE WITH ANY AND ALL CODES THAT APPLY TO THIS INSTALLATION.

SECTION 4.101 (5) BURNING IN PUBLIC PLACES.

TO IGNITE OR BURN WASTE MATERIAL ON PUBLIC OWNED OR CONTROLLED LAND, BRIDGE, STREET OR OTHER PUBLIC PLACE WHICH HAS NOT BEEN SET ASIDE BY THE PUBLIC AUTHORITY FOR SUCH PURPOSE.

SECTION 4.101 (6) TO KINDLE OR AUTHORIZE THE KINDLING OR MAINTENANCE OF CEREMONIAL BONFIRES.

SECTION 4.101 (7) TO IGNITE, BURN OR KINDLE FIREWORKS AS DEFINED IN SECTION 9.109 OF THE LANSING UNIFORM FIRE CODE.

AMEND SECTION 4.103 ENTITLED "APPLICATION FOR PERMIT" BY ADDING A SUBSECTION (B) TO READ AS FOLLOWS:

(B) THE APPLICATION FOR A PERMIT REQUIRED PURSUANT TO THIS CHAPTER SHALL BE ACCOMPANIED BY THE APPROPRIATE FEE WHICH SHALL BE NON-REFUNDABLE. ANY FEES FOR PERMITS REQUIRED BY THIS CHAPTER SHALL BE SET BY RESOLUTION OF THE CITY COUNCIL.

DELETE SECTION 9.112 AND SUBSTITUTE A NEW SECTION 9.112 TO READ AS FOLLOWS:

WHENEVER THE WORD "JURISDICTION" OR "JURISDICTIONAL AREA" IS USED IN THE UNIFORM FIRE CODE, IT SHALL MEAN THE CITY OF LANSING.

ADD A NEW SECTION ENTITLED "FIRE LANES" WHICH READS AS FOLLOWS:

SECTION 10.210 (A) FIRE LANES, PURPOSE.

THIS SECTION IS TO BE INTERPRETED AS THE STANDARD OF CARE NECESSARY TO PROTECT BOTH PEOPLE AND PROPERTY WITHIN THE CITY OF LANSING IN CASE OF FIRE OR SIMILAR EMERGENCY IN ANY OF THOSE ESTABLISHMENTS HEREIN DEFINED THROUGH THE USE OF CONTROLLED FIRE LANES.

SECTION 10.210 (B) AUTHORITY.

THE FIRE MARSHAL OF THE FIRE PREVENTION BUREAU SHALL BE RESPONSIBLE FOR ESTABLISHING FIRE LANES ON BOTH PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY. THE FOLLOWING CRITERIA SHALL BE USED IN DETERMINING THE NECESSITY OF SAID FIRE LANES:

(I) FIRE LAND SHALL BE ESTABLISHED BY THE FIRE PREVENTION BUREAU AS DEEMED NECESSARY AT THE FOLLOWING LOCATIONS. THIS LIST SHALL NOT BE DEEMED TO BE EXCLUSIVE, BUT ONLY AS A GUIDE AS TO TYPE OF THE ESTABLISHMENT WHERE NECESSARY.

- A) APARTMENT COMPLEXES
- B) AUDITORIUMS AND ALL LIKE PLACES OF PUBLIC ASSEMBLY
- C) CHURCHES
- D) HOSPITALS, CONVALESCENT HOMES, NURSING HOMES
- E) HOTELS, MOTELS, BOARDING HOUSES
- F) MANUFACTURING SITES

G) MULTIPLE PRIVATE RESIDENTIAL AREAS

H) SHOPPING CENTERS.

(2) THE NECESSITY OF ACCESS INTO THE ABOVE ENUMERATED AREAS FROM PUBLIC THOROUGHFARES.

(3) THE NECESSITY OF TRAFFIC LANES FREE FROM PARKED VEHICLES BOTH TO AND AROUND THE ABOVE ENUMERATED ESTABLISHMENTS CAPABLE OF HANDLING CITY FIRE VEHICLES.

THIS DETERMINATION SHALL BE MADE WHENEVER SAID BUREAU DEEMS SUCH LANES NECESSARY FOR THE SAFETY OF OCCUPANTS AND PROPERTY OF THE ABOVE ENUMERATED ESTABLISHMENTS OR WHEN, AFTER PETITIONED BY A PRIVATE LAND OWNER TO HAVE SAID FIRE LANES ESTABLISHED ON HIS OR HER PROPERTY, THE BUREAU MAY DECLARE FIRE LANES THEREON IN ACCORDANCE WITH THE ABOVE CRITERIA. THIS SECTION SHALL APPLY TO ALL SUCH EXISTING FACILITIES WITHIN THE CITY. IT SHALL BE THE DUTY OF THE FIRE MARSHAL OR DESIGNATED REPRESENTATIVE TO NOTIFY THE LAND OWNER OF ANY SUCH PROPERTY WHEREON FIRE LANES ARE ESTABLISHED, BY MAILING NOTICE OF SAME TO THE ADDRESS OF THE OWNER AS IDENTIFIED IN THE RECORDS OF THE CITY ASSESSOR.

SECTION 10.210 (C) RECORDS, FIRE PREVENTION BUREAU.

THE FIRE PREVENTION BUREAU SHALL KEEP AN ACCURATE UP TO DATE RECORD OF ALL FIRE LANES ESTABLISHED WITHIN THE CITY.

SECTION 10.210 (D) POSTING: UNIFORMITY, RESPONSIBILITY.

ALL FIRE LANES SHALL BE CONSPICUOUSLY POSTED WITH UNIFORM FIRE LANE SIGNS AS PRESCRIBED BY THE FIRE MARSHAL AND ERECTED NO FURTHER THAN ONE HUNDRED (100) FEET APART IN ALL AREAS DESIGNATED AS FIRE LANES. THE ERECTION AND MAINTENANCE OF SAID SIGNS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY OWNER, WHO, UPON NOTIFICATION THAT A FIRE LANE HAS BEEN ESTABLISHED ON HIS OR HER PROPERTY AND WITHIN THIRTY (30) DAYS THEREOF FAILS TO ERECT UNIFORM FIRE LAND SIGNS SHALL BE IN VIOLATION OF THIS SECTION AND SUBJECT TO PUNISHMENT AS PROVIDED BY ORDINANCE. FURTHER, WHEN SAID SIGNS ARE NOT ERECTED WITHIN THIRTY (30) DAYS OF NOTIFICATION, THE CITY COUNCIL MAY DIRECT SAID SIGNS TO BE ERECTED AND THE COST THEREOF ASSESSED AGAINST THE PROPERTY ON THE NEXT GENERAL ASSESSMENT ROLL OF THE CITY.

SECTION 10.210 (E) EXCEPTIONS, PARKING IN FIRE LANES.

THE FIRE MARSHAL MAY GRANT PERMISSION FOR PARKING OF CERTAIN VEHICLES, OBJECTS OR TRAILERS IN DESIGNATED FIRE LANES FOR LIMITED PERIODS WHERE SUCH PARKING WILL NOT INTERFERE WITH THE USAGE OF THE FIRE LANE BY EMERGENCY VEHICLES. WHENEVER SUCH PERMISSION IS GRANTED, A RECORD OF SAME SHALL BE KEPT BY THE FIRE PREVENTION BUREAU. IN CONJUNCTION WITH SUCH PERMISSION, THE BUREAU SHALL FURNISH A SIGN TO BE POSTED CONSPICUOUSLY ON THE VEHICLE, OBJECT OR TRAILER STATING THAT PERMISSION TO SO PARK HAS BEEN GRANTED AND THE DURATION THAT IT MAY REMAIN SO PARKED.

SECTION 10.210 (F) GUIDELINES FOR NEW CONSTRUCTION SITES OR MODIFICATION OF EXISTING STRUCTURES.

IT SHALL BE THE DUTY OF THE FIRE MARSHAL TO ESTABLISH GUIDELINES FOR USE BY THE BUILDING SAFETY DIVISION IN DETERMINING THE NEED FOR FIRE LANES ON ALL NEW CONSTRUCTION SITES AND AT MODIFICATION OF EXISTING STRUCTURES. THESE GUIDELINES SHALL FURTHER INCLUDE MINIMUM DIMENSIONS FOR SAID FIRE LANES SO AS TO PROVIDE ADEQUATE MANEUVERABILITY FOR CITY FIRE VEHICLES. THE FIRE PREVENTION BUREAU SHALL MAKE A FINAL CHECK OF ALL PLANS FOR SUCH BUILDING OR ALTERATION UPON SUBMISSION OF SAME BY THE BUILDING SAFETY DIVISION. THE FIRE PREVENTION BUREAU SHALL EITHER APPROVE OR REJECT SUCH PLANS WITHIN TWENTY (20) DAYS OF SUCH SUBMISSION AND, IF REJECTED, SHALL STATE THE REASONS FOR SAME. AFTER REJECTION, SUCH PLANS MAY BE RESUBMITTED FOR APPROVAL AFTER THE NECESSARY CHANGES HAVE BEEN MADE.

SECTION 10.210 (G) REMOVAL FROM FIRE LANES.

WHEN ANY MEMBER OF THE LANSING FIRE DEPARTMENT OR LANSING POLICE DEPARTMENT SHALL OBSERVE ANY VEHICLE, TRAILER OR OTHER OBJECT, PARKED IN A FIRE LANE AS HEREIN ESTABLISHED AND SUCH VEHICLE, TRAILER OR OTHER OBJECT IS NOT THERE UNDER AUTHORITY OF SECTION 10.210 (A) OF THIS CODE, ANY OF THE FOREGOING SHALL REMOVE SUCH VEHICLE, TRAILER OR OTHER OBJECT OR SHALL CAUSE SAME TO BE REMOVED AT THE EXPENSE OF THE OWNER. IF ANY VEHICLE, TRAILER OR OTHER OBJECT IS SO LOCATED WITHIN A FIRE LANE AT THE TIME THE FIRE DEPARTMENT IS RESPONDING TO AN ALARM FOR ANY REASON WHICH NECESSITATES USE OF SUCH FIRE LANE, THEN ANY MEMBER OF MEMBERS OF THE LANSING POLICE DEPARTMENT OR LANSING FIRE DEPARTMENT MAY MOVE OR CAUSE SAME TO BE MOVED BY ANY

MEANS POSSIBLE WITHOUT LIABILITY FOR AND DAMAGE BEING INCURRED BY THE CITY OR ANY OFFICER, AGENT OR EMPLOYEE THEREOF.

SECTION 10.210 (H) TICKETS: FIRE LANES, HYDRANTS.

(A) NO PERSON SHALL STOP, STAND, OR PARK A VEHICLE EXCEPT WHEN NECESSARY TO AVOID CONFLICT WITH OTHER TRAFFIC OR IN COMPLIANCE WITH THE DIRECTIONS OF A LAW ENFORCEMENT OFFICER, FIREMAN, OR TRAFFIC CONTROL DEVICE WITHIN FIFTEEN (15) FEET OF A FIRE HYDRANT.

(B) NO PERSON SHALL STOP, STAND, OR PARK A VEHICLE, WHETHER OCCUPIED OR NOT, IN AN AREA DESIGNATED AS A FIRE LANE, ON PUBLIC OR PRIVATE PROPERTY, EXCEPT WHEN NECESSARY TO AVOID CONFLICT WITH OTHER TRAFFIC OR AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER, FIREMAN OR TRAFFIC CONTROL DEVICE.

(C) THE FIRE MARSHAL AND OTHER MEMBERS OF THE FIRE PREVENTION BUREAU SHALL HAVE THE POWERS AND AUTHORITY OF A POLICE OFFICER TO ISSUE UNIFORM TRAFFIC CITATIONS FOR VIOLATIONS OF THIS SECTION OF THE LANSING UNIFORM FIRE CODE.

SECTION 10.210 (I) APPEAL.

NOTWITHSTANDING THE PROVISIONS FOUND IN SECTION 2.302 OF THIS CODE, THE FOLLOWING SHALL BE THE METHOD OF APPEAL FROM ANY DECISION OF THE BUILDING BOARD OF APPEALS AS MAY PERTAIN TO THIS SECTION.

IF ANY LAND OWNER IS AGGRIEVED BY ANY DECISION AS TO THE ESTABLISHMENT OF FIRE LANES, HE OR SHE SHALL WITHIN THIRTY (30) DAYS OF THE DATE OF MAILING OF THE FIRE LANE ESTABLISHMENT NOTICE AS PROVIDED FOR IN SECTION 10.210 (A) OF THIS CODE OR OF DENIAL OF A PETITION TO ESTABLISH A FIRE LANE, FILE WITH THE BOARD OF APPEALS A WRITTEN EXCEPTION TO SUCH DECISION TOGETHER WITH THEIR REASONS FOR SAME.

WITHIN TEN (10) DAYS FROM THE DATE OF RECEIPT OF SUCH EXCEPTION BY THE BOARD OF APPEALS, THEY SHALL, AFTER CONSIDERATION OF THE REASONS FOR SUCH EXCEPTIONS, AFFIRM, MODIFY OR RESCIND THEIR ORIGINAL DECISION. IF THE AGGRIEVED PARTY IS STILL WITHOUT SATISFACTION, THEY MAY FILE AN APPEAL WITH THE CITY COUNCIL THROUGH THE OFFICE OF THE CITY CLERK. THE CITY CLERK SHALL THEN PLACE THE APPEAL ON THE AGENDA FOR THE NEXT APPLICABLE COUNCIL MEETING. COUNCIL SHALL RULE ON SUCH APPEAL WITHIN A REASONABLE TIME BUT NO LATER THAN THIRTY (30) DAYS

FROM THE DATE THE APPEAL WAS PLACED ON THE AGENDA. SUBSEQUENT TO THE DETERMINATION BY THE COUNCIL, THE AGGRIEVED PARTY MAY FILE A PETITION WITH THE APPROPRIATE COURT.

ADD A NEW SECTION ENTITLED "INSPECTION TO DETERMINE ADEQUACY OF EXITS; PLAN FOR MORE THAN TWO-FAMILY DWELLING TO BE SUBMITTED" TO READ AS FOLLOWS:

SEC. 12.115. INSPECTION TO DETERMINE ADEQUACY OF EXITS; PLAN FOR MORE THAN TWO-FAMILY DWELLING TO BE SUBMITTED.

(A) THE CHIEF OF THE FIRE PREVENTION BUREAU OR AUTHORIZED REPRESENTATIVE AND THE BUILDING SAFETY DIRECTOR OR AUTHORIZED REPRESENTATIVE SHALL TOGETHER MAKE AN INSPECTION OF A PREMISES TO DETERMINE THE ADEQUACY OF EXITS AND EXIT STAIRS OR FIRE ESCAPES AND FIRE SAFETY OF THE BUILDING. ORDERS WRITTEN CONCERNING THE EXITS, STAIRS, FIRE ESCAPES OR FIRE SAFETY OF THE BUILDING AFTER SUCH AN INSPECTION SHALL BE CONSIDERED AS MANDATORY AND ANY PERSON FAILING TO COMPLY SHALL BE SUBJECT TO THE PENALTIES AS DESCRIBED IN SECTION 14-4 OF THIS CHAPTER.

(B) THE PLANS FOR ANY BUILDING HERE-AFTER CONSTRUCTED OR REMODELED IN ANY WAY, WHICH IS USED OR TO BE USED FOR MORE THAN A TWO-FAMILY DWELLING, INCLUDING A FACTORY, SCHOOL, HOTEL, LODGING HOUSE, ASYLUM, HOSPITAL, CHURCH, APARTMENT HOUSE, HALL, THEATER, AMPHITHEATER, OR ANY OTHER BUILDING IN WHICH PERSONS DO PRESENTLY OR WILL, UPON COMPLETION OF CONSTRUCTION, WORK, LIVE OR CONGREGATE FROM TIME TO TIME FOR ANY PURPOSE, SHALL BE SUBMITTED TO AND APPROVED BY AN AUTHORIZED REPRESENTATIVE OF THE FIRE PREVENTION BUREAU.

SECTION 14-4. PENALTIES.

(A) ANY PERSON WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THIS CHAPTER OR FAIL TO COMPLY THEREWITH, OR WHO SHALL VIOLATE OR FAIL TO COMPLY WITH ANY ORDER OR REGULATION MADE THEREUNDER, OR WHO SHALL BUILD IN VIOLATION OF ANY DETAILED SPECIFICATIONS OR PLANS SUBMITTED AND APPROVED THEREUNDER, OR IN VIOLATION OF ANY LICENSE, OR PERMIT ISSUED THEREUNDER, SHALL SEVERALLY FOR EACH SUCH VIOLATION AND NONCOMPLIANCE RESPECTIVELY, BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR BY IMPRISONMENT FOR NOT MORE THAN (90) DAYS OR BY BOTH FINE AND IMPRISONMENT. THE IMPOSITION OF ONE PENALTY FOR ANY VIOLATION OF THIS CHAPTER SHALL NOT EXCUSE THE VIOLATION OR PERMIT IT TO CONTINUE; AND ALL

SUCH PERSONS SHALL BE REQUIRED TO CORRECT OR REMEDY SUCH VIOLATION OR DEFECTS WITHIN A REASONABLE TIME; AND WHEN NOT OTHERWISE SPECIFIED, EACH DAY THAT PROHIBITED CONDITIONS ARE MAINTAINED SHALL CONSTITUTE A SEPARATE OFFENSE.

(B) THE APPLICATION OF THE ABOVE PENALTY SHALL NOT BE HELD TO PREVENT THE ENFORCED REMOVAL OR CORRECTION OF PROHIBITED CONDITIONS.

(C) ANY OF THE REQUIREMENTS OF THIS CHAPTER SPECIFIED FOR A CERTAIN SECTION SHALL ALSO APPLY TO ANY OTHER SECTION IN WHICH THE SAME CONDITION, OPERATION OR HAZARD EXISTS OF A SIMILAR NATURE, WHETHER OR NOT SPECIFICALLY STATED.

(D) DISREGARD OF ANY ORDERS OR DIRECTIVES AND/OR NONCOMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER BY ANY CITY LICENSED BUSINESS OR INDIVIDUAL SHALL CONSTITUTE SUFFICIENT BASIS FOR THE SUSPENSION OR REVOCATION OF ANY CITY LICENSE.

Section 2. All ordinances of parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect 30 days from date of passage.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That this Ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried.

By COUNCILMEMBER BLAIR—

I move to request that the Mayor present an informational memo on how to implement new code to the public and thru the departments.

Carried.

By COUNCILMEMBERS SCHMIDT & ADADO—

Resolved by the City Council of the City of Lansing:

That the rules of Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

Request from contractor for the Approach to the Capitol project for the closure of Michigan Ave. from the centerline of Grand Avenue to the west face of the

Grand River Bridge from Nov. 10, 1986 to Nov. 26, 1986.

Referred to the Committee on Physical Development.

Petitions filed for place of stop light, signs or any other measure to slow traffic on Jerome street between Marshall and Pennsylvania Ave.

Referred to the Mayor and Traffic Board.

By COUNCILMEMBER ADADO—

That Councilmember Creamer be excused from voting on the following resolution due to a possible conflict in interest.

Carried.

RESOLUTION APPROVING PROJECT PLAN AND ISSUANCE OF BONDS

RESOLUTION #0484

(LGH Office Building Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7 o'clock p.m., Michigan Time, on October 27, 1986, at which the following members were present:

Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

and the following were absent: None.

The following preamble and resolution were offered by Councilmember Adado and supported by Councilmember Belen:

Whereas, this City Council has given notice pursuant to Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2, of a public hearing which was held earlier on October 27, 1986 relative to (i) the Project Plan for the LGH Office Building Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer") and (ii) the issuance of bonds by the Issuer to assist in the financing of the Project.

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and the issuance of bonds, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

Whereas, this City Council desires to express its approval of said Project Plan and the Project described therein and the issuance of bonds by the Issuer to assist in the financing of the Project, and wishes to re-

quest the Issuer to proceed with the Project and the financing thereof.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. It is hereby determined that the Project Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Project Plan is hereby approved in its entirety based on the following considerations:

(a) The Project Plan Meets the requirements set forth in section 8 of the Act.

(b) The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the Plan properly.

(c) The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.

(d) The Project is reasonable and necessary to carry out the purposes of the Act.

2. By adoption of this resolution approving the Project Plan this City Council intends to and hereby does approve the issuance, sale and delivery of not to exceed \$3,200,00 in aggregate principal amount of limited obligation economic development bonds described in the Project Plan as is required by the Tax Equity and Fiscal Responsibility Act of 1982, and Temporary Treasury Regulations Section 5f.103-2.

3. The Issuer is hereby requested to proceed with the Project and the financing thereof.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide three (3) certified copies to the Secretary of the Issuer.

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSTENTIONS: Councilmember Creamer.

Resolution Declared Adopted.

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 27th day of October, 1986, and that the minutes of said meeting are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN
Lansing City Clerk

REMARKS BY THE MAYOR

Remarked on street closing due to railroad work by Conrail.

Reminded citizens to sweep leaves from the sidewalk so they would not be slippery.

Thanked City Council for their work on the Fire Code.

REMARKS BY CITY COUNCILMEMBERS

COUNCILMEMBER CREAMER asked about zoning enforcement for satellite dishes installed in front yards.

COUNCILMEMBER BLAIR asked for removal of mound of trash at area of 1100 W. Ionia.

COUNCILMEMBER SCHMIDT spoke of election on November 4 and the 3 proposals of the City which are on the ballot.

COUNCILMEMBER ADADO spoke of the increase in property taxes to pay for streets and sidewalks proposal if it passes. Also reminded listening audience of the city leaf pick-up.

COUNCILMEMBER BELEN spoke of the need for contributions to the Food Bank.

REMARKS BY THE AUDIENCE

Lester Hansens, 3135 N. Grand River commended City Council for passage of Fire Code and commented on the need for help for children drinking alcoholic beverages.

Doug Griffith, 5405 S. Logan, representative for the Plumbers Union spoke regarding the construction of the Embassy Suites Hotel.

Eugene Turnwals, 500 W. Genesee, spoke regarding special assessment for pickup of trash.

Merle Lemon, 1803 Linval; Grace Bebee, 547 Norman; Letter from Mildred Hanley, 1549 Linval; Dorothy Carr, 1702 Linval St.; resident of 557 Norman St.; Jerry Putnam, 1810 Linval and Tim McBride, 1800 Linval all spoke regarding neighborhood problems with breaking and enterings, robberies, noise, fights, prostitution, etc. Stated they would like for the police to drive through their neighborhood more often and try to take care of this situation.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned;

Carried.

Council adjourned at 9:15 p.m.

RITA M. BAUMAN
City Clerk

Lansing, Michigan
October 27, 1986

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, November 3, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

November 3, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer

Pledge of Allegiance.

That the council proceeding of October 6 and 13, 1986 be approved.

By COUNCILMEMBERS CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting:

Bruce McGuire Presentation

Toys for Tots Proclamation presentation to Captain Parker and Sgt. Lane

Adopted by the following vote:

Unanimously.

PROCLAMATION

Whereas: The United States Marine Corps Reserve TOYS FOR TOTS program was founded in 1974 by Major Bill Hendricks and has since grown from an annual Los Angeles area project to a national campaign; and

Whereas: TOYS FOR TOTS is a program designed to provide Christmas joy for needy children through donated new, unwrapped toys; and

Whereas: Throughout the 1970's and into the 80's proven methods continue to make the program a huge success, collecting over 23,000 new toys in 1985; and

Whereas: The Lansing area TOYS FOR TOTS DRIVE is spearheaded by Marine Reservists, Honorary TOYS FOR TOTS Chairman, Major John V. Stafford, Coordinator 1st Sgt. M. E. Lange, and many volunteers; and

Whereas: The goal this year is 30,000 TOYS FOR TOTS and Lansing has seen strong public and media support for the program. Numerous collection barrels are places throughout the City and a TOYS FOR TOTS HOTLINE is in service (377-1673)

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing by the power vested in me, do hereby proclaim November 1 through December 17, 1986, as:

**"UNITED STATES MARINE CORPS RESERVE
TOYS FOR TOTS COLLECTION DAYS"**

in Lansing, and urge all citizens to join with me in applauding the outstanding efforts of all those who generously give their time and resources in order to brighten the lives of those less fortunate.

Given under my hand and the Seal of the City of Lansing this thirtieth day of October in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. MCKANE
Mayor

Received and Placed on File.

RESOLUTION

By COMMITTEE OF THE WHOLE—

RESOLUTION #486

Resolved by the City Council of the City of Lansing:

Whereas, Bruce J. Maguire, Jr. and Natalie Maguire Zoeller have made a gift to the City of Lansing of \$25,000 to support the funding of the proposed "Michigan Square" public park on East Michigan Avenue; and

Whereas, this generous gift was made in honor of their father, Bruce J. Maguire, age 91, founder of the

Wolverine Oil Company in Lansing and longtime civic leader; and

Whereas, over the years, Mr. Maguire, Sr., has been a generous contributor to a wide variety of philanthropic projects; including a fund which bears his name, the Bruce J. Maguire Fund, established for special emergency needs of Lansing citizens and the families' of police officers; and

Whereas, the Maguire family business, now known as Wolverine Development Corporation, was the first to develop and build on riverfront property, signalling the beginning of a project which has become the head of the City's revitalization effort;

Now, Therefore, Be It Resolved, the Lansing City Council recognized Mr. Bruce Maguire as one of its most outstanding citizens, and thanks him for his years of devotion to his community; and

Be It Further Resolved, the Lansing City Council offers its gratitude to Bruce J. Maguire, Jr. and Natalie Maguire Zoeller; not only for their generous gift, but for the exemplary way they are carrying on the tradition of community spirit; and

Be It Further Resolved, that the Maguires' generosity provides an inspiration and challenge for all citizens who dream of a bright future for Lansing.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Kelleen Edwards, 2404 W. Kalamazoo St., spoke regarding her claim under City Attorney letter.

Bob Cross, 1419 Linval, spoke regarding Mayor's letter 3u-Baker St. update and the problems existing with residents at 605 and 611 Baker St.

Gary Andrews, 560 Brookland Blvd., spoke regarding resolution 3e-Leons Ave. and Hamilton Ave.-Yield Sign request.

Mary Haney, Beverly Miller and Cleo Wright, representing North Lansing Community Assoc., spoke regarding Committee Report 2d—Traffic Signal request on Center St. and E. Grand River Avenue.

Lori Novak, 2008 Roberts Lane, spoke in regard to Clifford Park.

Speakers in support of Embassy Suites Proposal (Mayor's letter 3t)

Gary Goolsby, 914 W. Ionia, representing the Downtown Neighborhood Assoc.

Mary Haney, North Lansing Community Association representative.

Glen Freeman, President of Greater Lansing Labor Council.

John Pollard, Impression 5 Museum.

Mike Pyne, 6220 Coulson Ct.

Greg Wade, representative Cherry Hill Neighborhood Association.

Craig McCauley, 2804 Wabash Rd.

Warren Nichols, 6747 Marscot Meadows.

Speakers not supporting the Embassy Suites proposal were:

Gary Andrews, 560 Brookland.

Tom Miller, 207 Lynwood, against building the Conference Center.

COMMUNICATIONS AND PETITIONS

The following application and bonds have been submitted for licenses:

Public Driver—Charles Duvalé Murchison, Ricky Allen Withrow, Gerald E. Oliver.

Referred to the Committee on General Services.

Claims filed by:

a. Michigan Educational Employees Mutual Insurance Co. for damages to vehicle owned by Katherine Klein as she was exiting the city parking ramp at Ionia and Grand.

b. Attorney Eric E. Kauma on behalf of Remita Brown for reimbursement of special assessment on property located at 605 S. Hayford.

Referred to the City Attorney.

Petitions filed for rezonings:

a. Z-30-86—2206 W. Jolly Road to be rezoned from "A" Residential District to "D-1" Professional Office District filed by Thomas and Robbyne Jones.

b. Z-31-86—2310 East Saginaw Street to be rezoned from "C" Residential District to "J" Parking District filed by Gus Caliacatos and Thelma Pauley.

Referred to the Mayor and Planning Board.

Michigan Liquor Control Commission submits notice of cancellation for application of transfer location and governmental unit of 1977, 12 months Resort "C" and "SDM" license with Sunday Sales and Dance Permit held by Metro Bowl, Inc. from Rt. 1, Round Lake Rd., Laingsburg, to 200 Washington Sq. North pursuant to request received.

Received and Placed on File.

Letter from William J. Porter, Jr., Porter Realty Co., in support of the Cedar/Larch Development Area and Citizens District Area Boundary.

Received and Placed on File.

George F. Eyde submits letter regarding reopening of the South Washington Square Mall.

Received and Placed on File.

Request from Attorney Patrick T. Reid on behalf of the partners of Riverview Associates Limited Partnership for approval of the June 25, 1984 Agreement for the Poxson Project to the entity known as Riverview Associates Limited Partnership.

Referred to the Mayor and Committee on Economic Development.

Letter from Willie (Pearl) Boyd, 427 So. Fairview Ave., relative to a discrimination problem at a business.

Referred to the Mayor.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Mayor's letters 3b (Thank You letter re: Review Procedures Provided by Russell Galvin), 3c (Downtown Mall Advisory Board Appointment - Michael F. Smith), 3d (Elected Officers Compensation Commission Resignation - Thomas Hoisington), 3e (Agreements by Teamsters and LIEU re: Observance of Holidays/1986), 3g (Resolution setting hearing date - MI Square Tax Increment Financing and Development Plans), 3i (Notice of Abandoned Vehicle Auction), 3j (\$12,500 grant awarded to partially fund services of a Senior Center Specialist), 3k (Repeal of Ordinance Provisions pertaining to Civic Center Advisory Board), 3l (Wastewater Treatment Staffing), 3n (Establishing the Cedar/Larch Development and Citizens District Area boundaries, appointing a Citizens District Council), 3t (Concerns regarding Embassy Suites petition drive) and 3u (Baker Street Update).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICE—

Approves the following licenses and bonds:

Public Driver —
Charles Duval Murchison
Ricky Allen Withrow
Gerald E. Oliver

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred to following Ordinances:

Ordinance Providing for the revision of Chapter 22 by adding new Article V containing sections numbered 22-78 through 22-85 inclusive, which provides for the prohibition of the prosession, manufacture, delivery, or sale and advertisement of drug paraphernalia, and to provide penalties for the violation thereof.

reports as follows: That said ordinance be approved.

Signed:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following Vote:

YEAS: Councilmembers Adado, Belen Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the proposed ordinance to amend Chapter 2 of the Code of Ordinances by adding a new Section 2-122 for the purpose of establishing the qualifications for the Director of Labor Relations,

Reports as Follows: This ordinance was introduced on March 11, 1985, and a public hearing was held March 25, 1985. The Committee intended to hold the ordinance for inclusion in the revised City Code. Due to the vacancy in the position of Labor Relations Director, however, the Mayor's Office has requested immediate Council action to set the position qualifications. The Committee changed the educational requirement from a Master's Degree to a Bachelor's Degree at the Mayor's request, in order to attract a larger candidate pool. The Committee hereby reports the revised Section 2-122 to the entire Council with the recommendation that the ordinance be passed.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

FAILED by the following vote:

YEAS: Councilmembers Benavides, Creamer, Lindemann and Worthington—(4).

NAYS: Councilmembers Adado, Belen, Blair and Schmidt—(4).

ABSENT: None.

By COUNCILMEMBER BELEN—

That we reconsider the vote and refer this back to the Committee of the Whole.

Adopted by the following vote:

Unanimously.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's letter of October 23, 1986, on Park Security,

Reports As Follows: The Administration has submitted a comprehensive program designed to improve security in city parks. In addition to full-time assignment of two Parks Security officers to house patrol duties, the Mayor has recommended establishment of two new Parks Security officer positions to replace the two assigned to horse patrol, plus expansion of the number of hours and parks in which watchmen will be assigned. The Police Department will contract for watchmen services at certain locations and the Parks and Recreation Department will contract for similar services at other locations. Much of the cost of the security improvement program is already budgeted with the exception of the two new Parks Security Officer positions and additional hours for contract watchmen. The Committee concurs with the Administration's program recommendations, but desires that additional watchmen hours be specifically designated for Riverfront Park. The Administration has concurred in this request. The Committee hereby documents for submission to the Committee on Ways and Means to fund the program as recommended.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

DATE: October 21, 1986

TO: Mayor Terry McKane

FROM: Assistant Police Chief

SUBJECT: Park Security

The following report details how the Lansing Police and Parks Departments propose to attack the problem of security in the Cities Parks. This report will be pre-

sent in four sections since there currently exists four separate areas that deal with this issue.

HORSE PATROL

The Parks Security Unit of the Lansing Police Department currently has two horses and has just selected two officers to be trained by the Detroit Police Department. This training will commence Monday October 27, 1986 and will last about one month. Beginning around the first of December these horses and riders will assume full time duties patrolling the Cities Parks as previously detailed in a separate report. They will also be used to address unique problems in individual parks as required. As you know a trailer and vehicle are available to transport this unit to parks as needed. The availability and mobility of this unit will enhance our ability to respond to issues that affect security in our parks.

ADDITIONAL PARKS OFFICERS

The City Council has before then a recommendation to add two Parks Security Officers to provide continuation of the vehicle patrol function. These two officers replace the two that are being assigned to the horse patrol. This will allow us to continue to respond to calls for service as we have in the past. Without these two positions an evaluation for a reduction in some calls for service is inevitable. With this addition and in conjunction with the other three areas in this report it is anticipated we can improve our coverage in the Cities Parks.

These new Parks Officers, if hired by January 1, 1987, will be ready to work by themselves and be of some help when calls for service in parks begin to increase again in the spring of 1987.

WATCHMEN IN CITY PARKS

The Parks Department has been moving toward replacing the part time watchmen with contract services. The Police Department does not wish to change this concept. The watchmen that primarily relate to Parks Department functions will remain with the Parks Departments. Those are identified later in this section. The Police Department must see that Oak and Potter Parks are provided twenty-four hour coverage. There are three additional issues the Police Department feels must be addressed. First are the watchman at Hunter and Moores Park during the swimming season, the hours are after the Parks closes until 2-3 am. The second park is Riverfront primarily during special events, the hours will vary. The last area is a miscellaneous contingency fund where a contract watchman can be assigned to a particular park when the need arises. Due to the unpredictability of need in these particular assignments, the amount of use is unknown. Therefore, these contractual watchman would be utilized as the need arises to provide additional coverage as required or provide additional support for the Parks Officers.

DOWNTOWN BEAT OFFICER

The City Council has recently authorized the application for a grant that will provide the addition of one

position to the Lansing Police Department, a Downtown Beat Officer. This officer will patrol to improve security around the convention/tourism/cultural areas in downtown Lansing.

PARKS DEPARTMENT WATCHMAN

The Parks Department will retain control over the watchmen in the following parks. They will retain this control because they schedule and supervise the events held at these locations. Turner Dodge, Miller Road, Foster & Gier Centers, Special Events, Rentals, Gier & Davis Ballfields, and Oak Park.

POLICE DEPARTMENT WATCHMEN

The Police Department will control the watchmen in the following locations because either the hours worked, special need or supervision of the watchmen require it. Hunter and Moores Swimming Pools, Potter, Riverfront and a miscellaneous contingency fund to be used where and when it is required. Oak and Potter again, are required around the clock 365 days a year, each.

HOURS REQUIRED FOR THE PARKS DEPARTMENT WATCHMEN

Turner Dodge Mansion	150
Miller Road Center	200
Foster & Gier Centers	660
Special Events & Rentals	100
Gier & Davis Ballfields	664
Oak Park	2500
TOTAL HOURS	4274

HOURS REQUIRED FOR THE POLICE DEPARTMENT WATCHMEN

Potter Park	2920
Hunter & Moores Pools	500
Riverfront Trail	2000
Miscellaneous Contingency Hours	920
TOTAL HOURS	6340

TOTAL for BOTH DEPARTMENTS 10,614 hours

All of the above are budgeted for now except the miscellaneous contingency, Potter Park and Gier Davis Ballfields. The estimated cost per hour is \$5.75. Some transfers will take place in order to place accounts in the proper Department.

As previously mentioned these four proposals taken together, will enhance our ability as a City to improve the quality of life for the citizens that reside in the vicinity of, and the citizens that use our City Parks.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To Whom Was Referred the report from the Mayor and Planning Board on Act-37-86, 1305 Hillsdale,

Reports As Follows: there is a lien on the property at 1305 Hillsdale for \$429.60 of which only \$260.20 is yet unpaid. The property recently sold, and there is a six month redemption period for settling all liens.

The Committee has reviewed this matter and concurs with the Planning Board's recommendation to refer this matter to the City Attorney to protect the City's lien interest in the subject property.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's letter on efforts to reduce crime,

Reports As Follows: The Committee concurs with the Mayor's plan to convene a task force to bring involved elements of the community together to attack several crime problems. Particular emphasis will be on drug trafficking and burglaries. The Mayor noted that he will be asking for involvement of the City Council in this effort. Toward this end, the Committee requests that the Mayor accept as a member of the task force a Councilmember to be appointed by the Council President. The appointed Councilmember would be charged with responsibility to keep the Council informed of task force activities on a regular basis.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Belen, Creamer, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's report on the re-

quest for the traffic signal at the intersection of Center Street and E. Grand River,

Reports As Follows: The Transportation Division, Traffic Board and Mayor recommend the request for a traffic signal at the intersection of Center St. and E. Grand River Avenue be denied.

Signed:

LOUIS ADADO
TONY BENAVIDES
JAMES BLAIR
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Blair, Creamer, Lindemann and Schmidt—(5).

NAYS: Councilmembers Belen, Benevides and Worthington—(3).

ABSENT: None.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's report on a request for traffic control at Fairview Avenue and Fernwood Street reports as follows:

The Transportation Division, Traffic Board and Mayor recommend the request for 4-way Stop Signs at the intersection of Fairview Avenue and Fernwood Street be denied.

Signed:

LOUIS ADADO
TONY BENAVIDES
JAMES BLAIR
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Blair, Creamer, Lindemann, Benavides, Belen, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the report from the Mayor and Traffic Board on a request to install Stop Signs at the intersection of Southgate Ave. and Spokane Ave.,

Reports As Follows: The recommendation from the Mayor and Traffic Board is to install Yield signs on Spokane and Southgate. There is also a traffic survey on Southgate underway. Due to the serious concern expressed by many petitioners on this matter, the Committee will wait to see the results of the Southgate traffic survey before making a traffic control recommendation to the entire Council. The survey results are expected in January 1987.

Signed:

LOUIS ADADO
TONY BENAVIDES
JAMES D. BLAIR
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—(7)

NAYS: Councilmember Benavides—(1).

ABSENT: None.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the following Rezoning Petitions:

a. Z-22-86—Mt. Hope Avenue at Bradley St. (southwest corner) to be rezoned from "C" Residential District to "F" Commercial District.

b. Z-24-86—1035 East Saginaw St. to be rezoned from "C" Residential District to "D-1" Professional District.

c. Z-25-86—208 E. Mt. Hope Ave. to be rezoned from "B" and "C" Residential District to "D-1" Professional District.

d. Z-26-86—1015 McKim Ave. to be rezoned from "A" Residential District to "J" Parking District.

Reports As Follows: That said rezoning petitions be approved.

Signed:

CHARLES CREAMER
LUCILE BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

President Benavides and
Members of Lansing City Council

RE: Claim of Michael and Brian Kelley
in the Amount of \$382.40

Dear President Benavides and
Members of Lansing City Council:

On September 15, 1986, City Council received a claim from Michael and Brian Kelley, 5027 Tenny, in the amount of \$382.40, for costs arising out of injuries to the Claimants at Davis Park. Claimant Michael Kelley was employed by the City on a contract basis to umpire softball games. On July 15, 1986 he was on duty about 8:30 p.m., and his family was present at the game. His son Patrick was standing near a light pole adjacent to ball field #2, when he placed one hand on the light pole and the other on a fence. Electric current ran through the boy from the pole to the fence. The father, in disengaging the boy, also received electric shock. Claimants were transported to Ingham Medical Center for tests and each incurred medical costs of \$166.20. Michael Kelley also claims lost wages of \$50.00.

Investigation by the Parks and Recreation Department confirms the facts reported. The light poles at Davis Park are owned and maintained by the City. A City electrician was dispatched after the incident to examine the wiring and confirmed the electrical leakage, but was unable to identify any malfunction which would cause such a leak. Wire connections were retaped and retightened, after which no electrical leakage was detectable. No prior notice of the problem was available to the City.

As Michael Kelly's injury was incurred in the course of his employment, his medical bills have been referred to the Safety/Worker's Compensation office of the Personnel Department for payment. His lost work time was not of sufficient duration to be recoverable in that manner, however, and as an employee he is limited to the recovery available to him under the Worker's Disability Compensation Act. MCLA 418.101 et seq., Brian Kelley holds the same status as any other member of the community attending a City league soft ball game at a City park.

Generally, state law provides that the City of Lansing is protected by governmental immunity when engaged in a governmental function. State law provides two exceptions to governmental immunity when the injury occurs as a result of a defect in a structure or fixture located in a public place. MCLA 691.1406.

Therefore, based upon the above stated facts and law, it is the recommendation of this office that the claim for Brian Kelly should be paid in full upon the execution of a release prepared by the City Attorney's Office and that Michael Kelley's bills be forwarded to the Personnel Department for payment pursuant to the Worker's Disability Compensation Act.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation to the City Attorney and the Claim for Brian Kelley be paid in full and Michael Kelley's bills be forwarded to the Person-

nel Dept. for payment pursuant to the Worker's Disability Compensation Act.

Carried.

October 30, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Kelleen Edwards

Dear President Benavides and
Members of Lansing City Council:

On April 28, 1986, Kelleen Edwards filed a claim for \$1,600.00 in damages to her automobile which was involved in a collision with a City Police vehicle on March 30, 1986.

The Lansing Police Department has reported to this office that, prior to impact, the police officer involved was speeding on eastbound Holmes Road on an emergency run with lights flashing but no siren. Claimant was driving ahead of the City Police vehicle and attempted a left hand turn in front of the police officer in order to get out of the path of the police vehicle. The police officer chose to attempt to get around the Claimant's vehicle by also turning left. Subsequently, a collision occurred. The police officer was issued a citation.

The Motor Vehicle Code, MCLA 257.653 requires that an emergency vehicle display emergency lights AND a siren, unless silence is required, when the emergency vehicle is on an emergency run. However, the claimant did not have collision insurance on her motor vehicle. Pursuant to the Michigan No-Fault Act, MCLA 500.3101 et seq., the claimant is limited to damages up to \$400.00 to the extent not covered by insurance.

Based upon the above stated facts and law, it is the recommendation of this office that the claim of Kelleen Edwards be paid in the amount of \$400.00.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Chief Assistant City Attorney and this claim be paid in the amount of \$400.00.

Carried.

President Benavides and Members
of the Lansing City Council

RE: Claim of Gary Perkins for \$95.68

Dear President Benavides and Members
of the Lansing City Council:

On June 2, 1986 Gary Perkins, 9874 Bunker Highway, Eaton Rapids, Michigan, filed a claim for \$95.68 for the cost of replacement of a cemetery bronze vase which had been installed at a gravesite in

the North Cemetery, Northwest corner, Lot Number 244, City of Lansing and allededly damaged by a Lansing City worker sometime in the Spring of 1986.

This claim was investigated by the Parks and Recreation Department which reported that a member of the Perkins family stopped at the cemetery office on May 15, 1986, to inform the City of damage to the top rim of a bronze vase for cut flowers. The damage appeared to be made by mower blades. No other information regarding what or when the incident happened is noted in City records. The Department added that the winter frost may have heaved the vase above grade level exposing it to the mower, but there was no indication of negligence by the City or its workers.

Even if negligence by the City were involved, the Michigan Supreme Court in *Ross v Consumers Power Co*, 420 Michi 567 (1984) held that a City is cloaked with statutory immunity when engaged in duties required by law. Chapter 10 of the City Code of Ordinances obligates the City to attend and maintain the City cemeteries.

Therefore, bases upon the above memtioned facts and law, it is the recommendation of this office and the Parks Department that this claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recomendation of the Chief Assistant City Attorney and this claim be denied.

Carried.

President Benavides and Members
of the Lansing City Council

RE: Reimbursement of Deductible to Auto Owners
Insurance for Claims referred to Auto Owners
Insurance.

Dear President Benavides and
Members of Lansing City Council:

In March, 1986, this office forwarded a claim by Manuel Ibarra for damage caused by sewer blockage to Auto Owners. The claim was for \$1,850.00. Subsequently, Auto Owners has informed this office that after the Public Service Department forwarded the appropriate information to Auto Owners, Auto Owners was able to resolve the matter. Pursuant to the insurance contract between the City and Auto Owners, Auto Owners is requesting the City to reimburse Auto Owners for \$1,000.00 deductible.

One July, 1984 Michigan Bell filed a claim against the City Parks Department in the amount of \$2,250.00 for damage done to Michigan Bell's underground cable by a City tree spade. After receiving the appropriate information from the Parks Department, Auto Owners has resolved this matter. Pursuant to the insurance contract between the City and Auto Owners, Auto Owners is requesting the City to reimburse Auto Owners for the \$1,000.00 deductible.

Therefore, it is the recommendation of this office

that the deductible of \$1,000.00 in each of the above matters be approved for payment to Auto Owners Insurance.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Chief Assistant City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$2,000.00 payable to Auto Owners Insurance as reimbursement for deductible amount.

Carried.

October 30, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Terri Morgan
in the Amount of \$34.12

Dear President Benavides and
Members of Lansing City Council:

On October 1, 1986, Terri Morgan submitted a claim in the amount of \$34.12 for damage to her tire. Claimant alleges that City employees failed to clean up debris created by road repair on Pennsylvania near Jolly, and that on September 9, 1986, she ran over a large piece of asphalt in the roadway.

The Public Service Department has informed this office that their department was unaware of any debris on the roadway at Pennsylvania and Jolly at the time of this incident. Howard McCaffery, Public Service Director, has informed this office that the roadway in that area was repaired on August 12, 1986, and was properly cleaned up. Furthermore, regular street sweeping was done in that area on July 30, 1986, and September 15 and 16, 1986.

Unless the City of Lansing knew or should have known that a defect in the road existed on Pennsylvania Avenue on September 9, 1986, it is immune from liability for resulting harm. MCLA §691.1403. In addition, under basic tort law, the City of Lansing is not liable if its employees were not negligent.

Based upon the above-mentioned facts and law, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Chief Assistant City Attorney and this claim be denied.

Carried.

October 30, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Robert and Nanetta Terranova
In the Amount of \$5,643.04

Dear President Benavides and
Members of Lansing City Council:

On October 8, 1986, Robert and Nanetta Terranova submitted a claim in the amount of \$5,643.04 for damage done to their house and personal property as a result of their sewer backing up on September 23, 1986. Claimant alleges that when City workers cleared a hair and grease clog the sewer backed up into his home.

Due to the substantial monies involved, this matter has been referred to the City's insurance carrier for further investigation. Therefore, no further action is necessary at this time.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Chief Assistant City Attorney and since this matter has been referred to the City's Insurance carrier no further action is necessary at this time.

Carried.

October 30, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Donald R. Merrill and
Albina Petrilli—In the Amount of \$182.90

Dear President Benavides and
Members of Lansing City Council:

On September 8, 1986, City Council received a claim from Donald R. Merrill, 323 North Walnut, from property damage incurred by him and a companion, Albina Petrilli of the same address, on the evening of July 31, when they fell into an open ditch at Washtenaw and Townsend Streets. Both of the Claimants are blind. Claimants state they attempted to walk around a barricade on the west side of the Washtenaw/Townsend intersection, but the barricade did not warn them of the true size of the excavation. Claimants walked side by side into a hole approximately four foot deep. Passersby assisted Claimants to extricate themselves from the hole, and drove them home. Claimants alleged that they suffered physical discomfort and lacerations, damage to their clothing, glasses and canes in the amount of \$182.90.

Investigation by the Public Service Department indicated the excavation was performed pursuant to a permit issued to Consumers Power Company. Consumers is obligated, by virtue of the permit, to meet the requirements of Michigan Manual of Uniform Traffic Control Devices, Public Service Department

Specifications and the City Code. It is also required to hold the City harmless for any claims for damages arising out of the subject construction.

Based upon the above facts, this Department has forwarded the claim and associated information to Consumers Power Company. This office will follow through to monitor Consumers' action on the claim. Therefore, it is unnecessary for the City Council to take any action at this time.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Chief Assistant City Attorney and no further action is necessary by the City Council at this time.

Carried.

October 31, 1986

President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

Attached herewith are applications for public driver licenses for Patrick Nolen Slaughter and Bryan Lynn Sturdivant which were returned unsigned from the Lansing Police Department. They do not recommend that licenses be granted under Section 33-28 (b) (6), of the Code.

Sincerely,

RITA M. BAUMAN
City Clerk

By COUNCILMEMBER WORTHINGTON—

That these public drivers licenses be denied.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: Councilmember Blair—(1).

ABSENT: None.

DATE: 10/30/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Thank You Letter

RE: Review Procedures Provided by Russell Galvin.

The attached correspondence submitted for your information.

Received and Placed on File.

TERRY J. McKANE
Mayor

October 30, 1986

Referred to the Committee on General Services.

Council President Tony Benavides
and Lansing City Councilmembers

DATE: 10/30/86

Dear Council President and
City Councilmembers:

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

I herewith submit for your consideration and confirmation the appointment of Michael F. Smith to the Downtown Mall Advisory Board. The term will expire February 1987.

SUBJECT: Summary of Ad-Valorem, Industrial Facility and Commercial Facility, Real and Personal Property Tax on July 1986 Tax Rolls.

Mr. Smith is employed as a Senior Consultant/Marketing and Economic Development with Public Sector Consultants, Inc. Mr. Smith researched and wrote a study of downtown Lansing development for the Lansing Economic Development Corporation in 1985.

The attached correspondence is submitted for your information.

Received and Placed on File.

I trust you will give careful consideration to the appointment of Michael F. Smith to this important Board.

DATE: 10/30/86

Sincerely,

TERRY J. McKANE
Mayor

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

Referred to the Committee on Public Safety and Properties.

SUBJECT: Resolution Setting Hearing Date - Michigan Square Tax Increment Financing and Development Plans.

The attached material is submitted for your information.

DATE: 10/30/86

Referred to the Committee of the Whole.

TO: Council President Tony Benavides
and City Councilmembers

DATE: 10/30/86

FROM: Terry J. McKane, Mayor

SUBJECT: Elected Officers Compensation
Commission Resignation - Thomas J. Hoisington

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

The attached correspondence is submitted for your information.

SUBJECT: Resolution Authorizing Redemption of Automobile Parking System Revenue Bonds, Series 1966.

Received and Placed on File.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

October 27, 1986

Referred to the Committee on Ways and Means.

Council President Tony Benavides
and City Councilmembers

DATE: 10/28/86

Dear President Benavides
and Councilmembers:

Attached for you information are copies of the agreements signed by the Teamsters and LIEU regarding the observance of holidays for 1986.

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

I would appreciate your concurrence in the form of a Resolution changing these observance dates for the above and all other City employees that it may affect. This change would be for this year only.

SUBJECT: Notice of Abandoned Vehicle Auction.

The attached correspondence is submitted for your information.

Thank you for your cooperation.

Received and Placed on File.

Sincerely,

October 29, 1986

TERRY J. MCKANE
Mayor

Council President Tony Benavides
and City Councilmembers

Received and Placed on File.

Dear President Benavides
and Councilmembers:

DATE: 10/28/86

The City of Lansing has been notified that a grant in the amount of \$12,500.00 has been awarded to partially fund the services of a Senior Center Specialist. A Senior Center Specialist is responsible for overseeing many senior programs and services.

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Wastewater Treatment Staffing.

Attached for your convenience is a Resolution accepting these funds.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Sincerely,

Referred to the Committee on Ways and Means and Committee on General Services.

TERRY J. MCKANE
Mayor

By COUNCILMEMBER LINDEMANN—

DATE: 10/29/86

RESOLUTION #0487

Resolved by the City Council of the City of Lansing

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

Whereas, the City submitted an application to the Tri-County Office of Services to the Aging requesting \$12,500.00 of State funds to be utilized for a portion of the salary of the Senior Center Specialist at the Civic Center; and

The attached transfers are submitted with my concurrence. Your review and appropriate action is requested, as soon as reasonably possible.

Whereas, the total amount of the grant is \$39,958.00; City share \$27,458.00 State share \$12,500.00

Referred to the Committee on Ways and Means.

Now, Therefore, Be It Resolved, Lansing City Council does accept these funds of \$12,500.00.

DATE: 10/30/86

Adopted by the following vote:

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Establishing the Cedar/Larch Development and Citizens District Area Boundaries, Appointing a Citizens District Council.

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

The attached correspondence is submitted for your information.

ABSENT: None.

DATE: 10/29/86

Referred to the Committee on Physical Development.

TO: Council President Tony Benavides
and City Councilmembers

DATE: 10/30/86

FROM: Terry J. McKane, Mayor

SUBJECT: Repeal of Ordinance Provision
Pertaining to Civic Center Advisory Board.

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Community Development Block Grant Needs Fiscal Year 1987 to 1988 (13th Year) Capital Development Plan Fiscal Years 1987 to 1992

Since the City Council has approved a Lease between the City of Lansing and the Greater Lansing Convention/Exhibition Authority, the Authority will be assuming the responsibility for operating and managing the Lansing Civic Center.

The attached correspondence is submitted for your information.

Therefore, I am forwarding to you for your review and approval the repeal of this Sections of Chapter 2 of the Lansing Code of Ordinances which pertain to the Civic Center Advisory Board.

Received and Placed on File.

DATE: 10/30/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-43-86, Fairway Lane,
Request that the City Acquire Property.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/30/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-45-86, Eastlawn Drive
Right-of-Way Vacation

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/30/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-47-86, Donation of Property
Turner Park on Capitol Avenue

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 10/30/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-49-86, Request for renaming
Logan Street

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

October 29, 1986

TO: President Tony Benavides and Members, Lansing City Council

A former mayor, hotel owners, and others are paying \$1 each for petition signatures against the downtown Embassy Suites project. They are saying things about the project's financing that are false and misleading.

Petition organizers say they favor a new hotel. However, their drive would halt construction of this project. This is because the delay of a public referendum would increase land/demolition costs and would change favorable private financing that currently is available.

I urge citizens not to sign the petition. If persons already have signed, they may contact Clerk Rita Bauman (483-4141). She will send a form they can use to remove their name. People should consider:

Benefits of the Project

The development will be located on Michigan between Cedar and Larch. It will include a 272-room hotel; a 30,000 sq. ft. conference center; a 440-space parking garage; and a public plaza. Benefits include:

- Michigan Avenue clean-up: The development area is one of urban decay. We have wanted to clean it for years. The project will re-vitalize the entire area. It is supported by church and neighborhood leaders.
- New conventions: The project is an essential part of attracting state association and other meetings. It is supported by convention-visitors leaders and many business owners.
- More jobs: I estimate more than a thousand new construction and long-term jobs. The project is backed by union leaders.
- Increased tax base: The hotel alone will generate an estimated \$700,000 per year in new property taxes. (Important note: new hotel taxes will be used to finance a conference center as described below.) It will create new jobs and City income taxes which will reduce our property taxes. It also will stimulate new business.

Financing of the Project

The City needed the Radisson Hotel project as the keystone of our downtown effort. We provided substantial public incentives to attract it.

The Radisson public incentives included a \$10 million loan; a 12 year tax abatement; \$4 million in hotel construction funds; 300 spaces in a \$4.9 million parking ramp expansion; and a \$2.1 million pedway. In addition the City built a connecting \$18.9 million exhibition hall (with a \$10.3 million Federal grant and \$4.5 million in tax bonds). The City pledged to subsidize hall operating losses. Private funding for the Radisson project amounted to only \$4.65 million.

We were in a much stronger position when we negotiated the Embassy Suites project. So, by comparison: The developers will privately invest \$24 million. They will build the hotel without City help. There will be no tax abatement.

- City responsibilities: However, the City has three important responsibilities regarding the project:

- First, the City will guarantee up to \$3.5 million for a 440-space parking ramp (the developer will pay any cost over-runs). Like other parking, this ramp will be paid for from parking revenues—not from taxes.

- Second, the City will guarantee up to \$6.5 million in bonding to build a conference center. These bonds will be paid from new property taxes on the hotel. The developers and/or banks have guaranteed to repay any funds that are needed in excess of hotel taxes.

If the developers and their banks go bankrupt and the City cannot get another operator, the City will pay any remaining bonds (to a maximum of \$6.5 million). This is a very remote possibility. However, it forms the legal basis of the petition drive because the City's full faith and credit is behind the \$6.5 million. (Some petitioners say the City's full faith and credit is behind the entire project. This is not true.)

The developer also has guaranteed to pay any operating losses at the conference center.

- Third, the City will work with the State to build an attractive public plaza on Michigan Ave. The City is not obligated to provide funding for it (however if grant funds cannot be found for a plaza, the City will create additional surface parking from parking system revenues).

Summary

The Embassy Suites project will not be a burden on our taxpayers. It represents an increase in jobs, business, tax base, and clean-up.

Let's keep Lansing moving forward. I urge our mutual constituents not to sign petitions or persons who would slow our progress. I ask your continued support in keeping the important Embassy Suites project on track.

Sincerely,

TERRY J. MCKANE,
Mayor of Lansing

Received and placed on file.

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Baker Street Report

In response to the concerns expressed by residents of the Baker Street Area at the October 27th Council meeting, the attached summary of action taken in this neighborhood is submitted for your information.

Received and placed on file.

RESOLUTIONS

RESOLUTION #0488

By ECONOMIC DEVELOPMENT COMMITTEE—

Whereas, on April 21, 1980, the Lansing City Council issued a Commercial Facilities Exemption Certificate (CRD-10-79) to B.F. Goodrich Company for a facility at 405 S. Grand Avenue; and

Whereas, on July 28, 1986, the City Council authorized the transfer of this Exemption Certificate from the B.F. Goodrich Co. to Martin Investment Properties, Inc.; and

Whereas, Art Baryames has acquiring this property and has applied for the transfer of this Commercial Facilities Exemption Certificate from Martin Investment Properties, Inc.; and

Whereas, a hearing was held on Mr. Baryames's application for an Exemption Certificate transfer on October 13, 1986 at which time all interested persons had an opportunity to be heard; and

Whereas, Art Baryames has met or will meet the requirements for said Exemption Certificate transfer as required by Public Act 255 and by the policies of this Council, including the requirements placed on the B.F. Goodrich Company at the time the Exemption Certificate was originally granted; and

Whereas, this Council finds that the granting of this Exemption Certificate transfer, considered together with the aggregate amount of Industrial Facilities and Commercial Facilities Exemption Certificates previously granted and currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem property taxes in the City of Lansing.

Now, Therefore, Be It Resolved that the Council of the City of Lansing approves the application from Art C. Baryames for the transfer of the Commercial Facilities Exemption Certificate in Lansing Commercial Redevelopment District CRD-10-79, from Martin Investment Properties, Inc. to Art C. Baryames.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays: None

Absent: None

RESOLUTION #0489

By COMMITTEE ON WAYS AND MEANS—

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor's recommendation on recreation fees would make athletic and recreational programs unaffordable to many Lansing residents that currently participate; and

Whereas, the Committee on Ways and Means does

not agree with many of the costs, allocations, and assumptions that form the basis of the Mayor's recommendation; and

Whereas, the Committee strongly disagrees with any recreation fee proposal that does not include a substantial fee for non-residents; and

Whereas, the Committee has spent many meetings determining the inequities inherent in the current fee structure, the costs relevant to athletic and recreational programs, and the most equitable method for recovering those costs;

Now, Therefore, Be It Resolved that the City Council hereby adopts the following policies:

ADULT ATHLETIC LEAGUES

The City of Lansing will levy a system of fees and charges, including a non-resident fee, sufficient to cover the costs of the officials, scorekeepers, facilities, trophies, sports equipment, tournament fees and sports staff directly related to the provision of adult athletic programs.

YOUTH ATHLETIC LEAGUES

The City of Lansing will levy a fee sufficient to recover the costs of the officials, coaches, and trophies directly related to the provision of youth athletic programs. An additional fee may be levied in each league as necessary to provide for equipment purchases for the specific league. A non-resident fee shall also be assessed.

CAPITAL IMPROVEMENT FEE

An individual play fee shall be levied to develop and upgrade softball facilities.

Be It Further Resolved that the City Council of Lansing hereby adopts the attached schedule of fees and charges as recommended by the Internal Audit Division to be effective January 1, 1987.

By COUNCILMEMBER BLAIR—

That we amend this resolution under the heading Capital Improvement Fee in the first line by changing the word "shall" to "may" and add the following after the first sentence:

"All funds realized through this fee shall be posted to a separate C.I.P. account, and any unexpended balance shall be carried forward on a yearly basis. Further, it shall be the responsibility of the Parks and Recreation Department to, with the advice of representative Citizen groups, develop a plan for the utilization of the fund. No funds shall be expended prior to the approval of said plan by the City Council."

Adopted by the following vote:

YEAS—Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS—None

ABSENT—None.

RECREATION FEE STRUCTURE Effective January 1, 1987

	Entry	Player	Non-Res.*	Cap/Imp.
ADULT SPORTS				
Slow. Softball				
(2) Umpires				
24 games	\$430.	\$9.	\$12.	\$5.
18 games	300.	7.	9.	5.
16 games	300.	6.	8.	5.
(1) Umpire				
16 games	260.	6.	8.	5.
12 games	185.	4.	6.	5.
Fast. Softball				
24 games	507.	9.	12.	5.
18 games	384.	7.	9.	5.
Basketball				
20 games	462.	8.	10.	
18 games	387.	7.	9.	
16 games	377.	6.	8.	
10 games	227.	4.	6.	
Volleyball				
24 games	172.	9.	12.	
18 games	112.	7.	9.	
16 games	107.	6.	8.	
Baseball	735.	18.	24.	
YOUTH SPORTS				
Midget Baseball	\$0.	\$20.	\$23.	
Junior				
Class A	150.	0.	5.	
Class B & C	130.	0.	5.	
Floor Hockey	100.	0.	3.	
Soccer				
w/coach	0.	8.50	11.50	
w/coach	0.	13.50	16.50	
Flag Football	135.	0.	3.	
NEIGHBORHOOD PROGRAMS				
Day Camp	N/A	15.	23.	
Neighborhood Park	N/A	0.	N/A	
Swimming	N/A	0.	N/A	
Leisure	N/A	0.	N/A	
Ice Rink				
Adults	N/A	1.	N/A	
Children	N/A	.75	N/A	

*Non-Resident participants pay non-resident fee in addition to the player fee. (Adult Sports only).

RESOLUTION #0490

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

ACT-35-86
6800-7000 Block
Vacation of Excess Right-of-Way

Whereas, the applicant, Mr. Robert Little, has re-

quested that the City of Lansing vacate a portion of excess right-of-way along the east side of the 6800-7000 Blocks of South Cedar Street adjacent to his property for the purpose of increasing the parking area in front of the new commercial building to be constructed; and

Whereas, the Lansing Planning Division has conducted an Act 285 Review and found that the property in question is excess right-of-way, not needed for roadway purposes; and

Whereas, the Planning Division found further that additional excess right-of-way exists extending north along the east side of S. Cedar St. a distance of 1,140 feet; and

Whereas, the Planning Board upon review of the staff report recommended vacation of the access right-of-way in two phases, with Phase I being the portion adjacent to the applicant's property and Phase II being the remaining portion subject to the following conditions:

1. Full width easements for sewers and/or other public utilities to be retained along the entire length of the parcel.

2. A deed restriction placed on the property to prohibit the construction of buildings.

3. Accurate legal descriptions be provided by the applicant for inclusion in the appropriate legal instruments for conveyance in accord with this vacation order.

and, Whereas, the Public Properties and Safety Committee of Council has reviewed the recommendation of the Planning Board and concurs therewith;

now Therefore Be It Resolved, that the Lansing City Council approve the vacation of excess right-of-way along the east side of S. Cedar St. in the 6800-7000 Blocks in two phases as set forth in the Planning Board recommendation above.

Be It Finally Resolved, that the City Clerk be directed to notify the applicant of said action.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Benavides, Schmidt and Worthington—8.

NAYS: None

ABSENT: None.

RESOLUTION #0491

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

ACT-13-86
McKim Avenue

Whereas the Lansing Planning Division has completed an Act 285 Review of the request to vacate McKim Avenue east of Lyons Avenue to the ConRail railroad tracks; and

Whereas, the Lansing Planning Board has also reviewed the request and agree with the Planning Division that the section of right-of-way be vacated as requested;

Now, Therefore, Be It Resolved that the section of McKim Avenue located east of Lyons Avenue to the ConRail railroad tracks is hereby abandoned and vacated subject to reservation of any utility easements that may be required; and

Be It Further Resolved that the street section be closed to access from Lyons Avenue except for maintenance of a driveway entry to serve the residence located at 2001 Lyons Avenue; and

Be It Further Resolved that the property vacated by transferred by Quit Claim Deed and that the Mayor and City Clerk be directed to sign the required documents transferring this property; and

Be It Finally Resolved that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Register of Deeds and shall also send a copy of the recorded resolution to the State Treasurer.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None

ABSENT: None.

RESOLUTION #0492

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

ACT-47-86
Turner Park area along west side of Capitol Avenue, October 30, 1986

Whereas the Great Lakes Bible College has offered to donate two vacant parcels at the end of Capitol Avenue, south of North Street, more particularly described as:

Lots 40 and 41, Frank L. Dodge Subdivision, City of Lansing, Ingham County, Michigan (also known as permanent parcel numbers 3301-09-176-071 and 3301-09-176-081; and

Whereas, the City of Lansing Planning Division has conducted an Act 285 review and recommends that the City accept Lots 40 and 41; and

Whereas the Lansing Planning Board has reviewed the staff recommendation and concurred therein, on October 21, 1986; and

Whereas the Lansing Planning Board found that the subject parcels may be considered a logical extension of the Turner Dodge Park to the east or as a resource to locate removed dwellings to create a residential environment; and

Whereas the Committee on Public Safety and Properties reviewed the Planning Board recommendation and concurs with the acceptance and recommends the property be dedicated as park land;

Now, Therefore, Be It Resolved that the City Council accept the offer made by the Great Lakes Bible College to donate the two parcels at the end of Capitol Avenue, south of North Street, more particularly described above; and

Be It Further Resolved that the property be dedicated for park purposes as part of the Dodge Mansion Historic center and park; and

Be It Finally Resolved that the City Clerk notify the Property Management Division to communicate to the Great Lakes Bible College our acceptance of the offer.

Adopted by the following vote:

YEAS: Councilmember Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None

ABSENT: None.

RESOLUTION #0493

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request from Councilmember Creamer for a change in the type of traffic control at the intersection of Comfort St. and Maple St.; and

Whereas, currently Yield signs are in place on Maple Street at Comfort St.;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the replacement of Yield signs with Stop signs on Maple St. at Comfort St.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

ABSENT: None.

RESOLUTION #0494

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a petition for traffic control at the intersection of Brighton Drive and Glenbrook Drive;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a Yield sign on Glenbrook Drive at Brighton Drive.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0495

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a petition for traffic control at the intersection of Glenbrook Drive and Wedgewood Drive;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a Stop sign on Wedgewood Drive at Glenbrook Drive.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0496

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for traffic control at the intersection of Hamilton Avenue and Lyons Avenue;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of STOP sign on Lyons Avenue at Hamilton Avenue.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0497

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a citizen request for traffic control at the intersection of Kennedy Drive and Valencia Blvd.;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of Stop signs on Kennedy Drive at Valencia Blvd.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0498

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a request from the YWCA for changes in the parking regulations on Townsend Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a Two Hour Metered Parking 8:00 AM to 6:00 PM on the east side of Townsend Street from Washtenaw Street to Allegan Street.

The following changes will be required in the City Traffic Code:

DELETE: One Hour Metered Parking 8A-6P on both sides of Townsend Street from Allegan Street to Washtenaw Street.

ADD: One Hour Metered Parking 8A-6P on the west side of Townsend Street from Washtenaw Street to Allegan Street.

ADD: Two Hour Metered Parking 8A-6P on the east side of Townsend Street from Washtenaw Street to Allegan Street.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0499

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a staff request for changes in the parking regulations on Grand Avenue;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the following changes in parking regulations on Grand Avenue:

1. Remove the metered parking in front of the Radisson Hotel on the west side of Grand Avenue.

2. Remove the metered parking across the street from the Transportation Division office on the east side of Grand Avenue.

3. Remove the metered parking on the west side of the 300 block of N. Grand Avenue between Ionia Street and Shiawassee Street.

The following changes will be required in the City Traffic Code:

DELETE: One hour metered parking 8A-6P on the west side of N. Grand Avenue from Michigan Avenue to Ottawa St.

DELETE: Two Hour metered parking 8A-6P on the east side of N. Grand Avenue from Ottawa Street to Shiawassee Street.

DELETE: Two Hour metered parking 8A-6P on the west side of N. Grand Avenue from Ionia Street to Shiawassee Street.

DELETE: No Parking At Any Time on the west side of N. Grand Avenue from Ottawa Street to Ionia Street.

ADD: No Stopping Standing Parking on the west side of N. Grand Avenue from Michigan Avenue to Shiawassee Street.

ADD: No Stopping Standing Parking on the east side of N. Grand Avenue from Michigan Avenue to Ionia St.

ADD: Two hour metered parking 8A-6P on the east side of N. Grand Avenue from Ionia Street to 120 ft. north of Ionia Street.

ADD: Thirty minute metered parking 8A-6P on the east side of N. Grand Avenue from 120 ft. north of Ionia Street to 185 ft. north of Ionia Street.

ADD: Two hour metered parking 8A-6P on the east side of N. Grand Avenue from 185 ft. north of Ionia Street to Shiawassee Street.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0500

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a staff request for changes in the parking regulations on Fairview Avenue;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a No Parking At Any Time zone on the east side of Fairview Avenue from E. Grand River Avenue to 250 feet south of E. Grand River Avenue.

The following changes will be required in the City Traffic Code:

ADD: No Parking At Any Time on the east side of Fairview Avenue form E. Grand River Avenue to 250 ft. south of E. Grand River Avenue.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0501

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

ACT-10-86
Block 111, Original Plat
Alley Easement Status

Whereas, Thomas G. McGurrin, Jr. of Foster, Swift, Collins & Coey, P.C., representing First of American Bank-Central, requested that the City of Lansing, by resolution, clarify the status of the alleyway easement, dedicated by quitclaim deed on May 31, 1893 in Block 111 of the Original Plat of the City of Lansing, and

Whereas, rights to portions of the original easement to the City of Lansing have heretofore been lawfully terminated by virtue of a resolution adopted by this Council on April 14, 1930, and by virtue of a decree issued by the Ingham County Circuit Court on February 26, 1962, and

Whereas, the Planning Board has reviewed the status and need of the remaining alleyway easement described as:

"Parts of Lots 2 through 4, Block 111 of the Original Plat, City of Lansing, being a strip of land 10 feet in width the centerline of which is located and described as: Commencing on the North line of Lot 4, said Block 111, at a point 39 feet east of the Northwest corner of said Lot 4; thence south 105 feet, thence east 115 feet to a

point 110 feet west of the east line of said Block 111."

and unanimously recommends that it be retained as a public alleyway easement and that it be policed and maintained as such, and

Whereas, the Lansing City Council Committee on Public Safety and Properties has reviewed the recommendation of the Planning Board and concurred with that recommendation,

Now, Therefore, Be It Resolved, that the City Council of the City of Lansing hereby declares that the remaining alleyway easement as described above shall remain open and unobstructed as a public alley, and as needed shall be policed and maintained by the City of Lansing, and

Be It Finally Resolved, that the City Clerk appropriately void an inconsistent resolution by the City Council on June 1, 1982 (recorded in Liber 1419, Page 8 in the office of the Ingham County Register of Deeds), cause a certified copy of this resolution to be recorded in the office of the Ingham County Register of Deeds and that the City Assessor appropriately assess the above described alleyway easement as tax exempt.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0502

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

ACT-36-865
Portion of Mill Street (Museum Drive)
Right-of-way vacation

Whereas, on April 21, 1986 the Lansing City Council authorized the Mayor, Public Service Director and the City Attorney to execute the necessary land exchange with the Board of Water & Light to accomplish the Museum Drive street improvements, and

Whereas the Planning Board has reviewed and unanimously recommended that the City complete the exchange of properties which includes a portion of the Museum Drive right-of-way described as:

A part of Mill Street in the Original Plat of the City of Lansing, Ingham County, Michigan, described as beginning on the East line of Mill Street, also being the West line of Block 240, Original Plat of the City of Lansing, at a point S10°00'00"E 445.55 feet from the Northwest corner of Block 240; thence S10°00'00"E 168.55 feet along said East line; thence S80°00'00"W 20.75 feet; thence Northwesterly 81.80 feet along the arc of a 377.07 foot radius curve to the right whose chord bears N06°12'53"W 81.66 feet; thence

N00°00'00"W 88.43 feet to the point of beginning, containing 2260 square feet of land, more or less and subject to any easements or rights of way of record and,

Whereas, the Lansing City Council Committee on Public Safety and Properties has reviewed the recommendation of the Planning Board and concurred with the recommendation,

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the vacation of the above described portion of the Museum Drive right-of-way to the Board of Water & Light and directs the City Clerk to execute and record this action with the Ingham County Register of Deeds in accordance with State and local requirements.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays: None.

Absent: None.

RESOLUTION #0503

By COMMITTEE ON PHYSICAL DEVELOPMENT—

SLU-5-86
5600 South Logan Street

Whereas Pastor Frederick D. Jenkins has requested a Special Land Use Permit to construct and operate a church with a seating capacity for 264 persons on a 2.28 acres parcel of land located at 5600 South Logan Street; and more particularly described as:

Lot 4, except the northwesterly 250 feet Creys Subdivision, City of Lansing, Ingham County, Michigan, and

Whereas the site meets the criteria of the Zoning Code (minimum two acre site and direct access to a major street); and

Whereas the Planning Board recommended approval of this Special Land Use Permit; and

Whereas the Physical Development Committee has reviewed said recommendation and concurs therewith;

Now, Therefore, Be It Resolved that the Lansing City Council approves the Special Land Use Permit for Church of God in Christ to construct and operate a church on a vacant parcel located at 5600 South Logan Street subject to a site plan being submitted to and approved by the Planning Division prior to the issuance of building permits. The decision of the City Council was based on the following:

1. The proposed development will be designed, constructed, operated and maintained in a manner harmonious with the character of the adjacent property and the surrounding area.

2. It was determined that the Special Land Use

would not have any major change on the character of the surrounding area.

3. The City Council was satisfied that the approval of the Special Land Use would not interfere with the general enjoyment of the adjacent property.

4. The Special Land Use would be a definite improvement to the property as it is now in an unattended state.

5. The proposed Special Land Use will not be hazardous to adjacent property, nor does it involve uses, activities, materials or equipment which are detrimental to the health, safety and welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

6. The proposed development of this site can be adequately served by the necessary public utilities and facilities without placing a burden on the existing public utilities and facilities.

7. The proposed Special Land Use is consistent with the intent and purpose of this chapter and the objectives of the adopted comprehensive plan.

8. The Special Land Use Development can meet the minimum dimensional requirements of the Zoning Code.

Be It Further Resolved that the City Clerk is hereby directed to notify the applicant of such action.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

RESOLUTION #0504

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November 24, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving Special Land Use SLU-7-86, 5200 Block of S. Waverly Road for construction of a church.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays: None.

Absent: None.

RESOLUTION #0505

By COMMITTEE OF THE WHOLE—

Resolved by the City Council of the City of Lansing:

Whereas, the Greater Lansing Convention/Visitors

Bureau has requested City Co-sponsorship of the annual Holiday Open House at the Civic Center on December 3, 1986, through the provision of parking for guests in the Civic Center Parking Lot;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves use of funds from the City Special Expenses Account to provide parking in the Civic Center Parking Lot to guests at the annual Convention/Visitors Bureau Holiday Open House on December 3, 1986.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That Councilmember Blair be excused from voting on this resolution.

Carried.

RESOLUTION #506

By COMMITTEE OF THE WHOLE—

RESOLUTION SETTING HEARING DATE (Michigan Square Project—Phase I Tax Increment Finance Project)

Minutes of a regular meeting of the City Council of the City of Lansing, County of Ingham, Michigan, held at 7:00 p.m. Michigan Time, on November 3, 1986, at which the following members were present:

Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8 and the following were absent: None.

The following preamble and resolution were offered by Councilmember Adado and supported by Councilmember Belen:

Whereas, this City Council has received the Michigan Square Project—Phase I Development Plan and the Tax Increment Financing Plan for the Project and wishes to set a date for a public hearing on both the Development Plan and the Financing Plan.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing as follows:

1. The public hearing upon the Michigan Square Project—Phase I Development Plan and Tax Increment Financing Plan for the Project shall be held at 7:00 p.m., Michigan Time, on the 24th day of November, 1986, in the City Council Chambers, City Hall, in the City of Lansing, County of Ingham, Michigan. At the hearing, the City Council of the City of Lansing shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference thereto. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for in-

troduction of documentary evidence pertinent to the Michigan Square Project—Phase I Development Plan and/or the Tax Increment Financing Plan. The City Council shall make and preserve a record of the public hearing, including all data presented at the hearing.

2. The City Clerk is hereby directed to publish and mail notice of the hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act.

3. The City Clerk is hereby directed to inform the Ingham County Board of Commissioners, the Lansing School Board, the Lansing Community College Board of Trustees, the Capitol Area Transportation Authority, the Capital City Airport Authority and the Ingham Intermediate School District of the Financing Plan and the public hearing thereon, including the fiscal and economic implications of the Financing Plan, so that each of these taxing jurisdictions may have the opportunity to present their recommendations at the public hearing on the Financing Plan.

Pursuant to Section 20(1) of the Act and the finding of this Council that there are less than 100 persons residing in the Development Area, a Project Citizens District Council is not required for the Project, and therefore, such a Council shall not be formed.

5. The City Clerk is hereby directed to forward three (3) certified copies of this Resolution to the Secretary of the Authority.

6. All Resolutions or parts thereof in conflict with this Resolution are hereby repealed, but only to the extent of such conflict.

Yeas—Councilman Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—6.

Nays—Councilmember Adado—1.

Abstentions—Councilmember Blair—1.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 3rd day of November, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN,
Lansing City Clerk.

RESOLUTION #0507

By COMMITTEE ON WAYS AND MEANS—

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

1)
\$3,300.00 from Building Maintenance-Utilities—301
N. Larch St.
A/C 101-265-008-920

3,300.00 to Administrative Services-Building Maintenance-Project Maint.

A/C 101-265-000-931

(Demolition of former Fire Marshall's building at 301 N. Larch)

2)

\$2,652.00 from LPD-LEMS Equipment

A/C 101-308-650-977

2,652.00 to LPD-Uniform Patrol Equipment

A/C 101-316-000-977

(Emergency replacement of lockers in men's locker room, due to plumbing leak.)

3)

\$45.00 from General Fund Estimated Revenues

A/C 101-000-000-160

45.00 to Fire Adm. Citizen Contributions

A/C 101-337-000-956

(Donation for EMS Paramedic Program, in memory of C.K. Penfield.)

4)

\$4,386.00 from Cemetery Div. Paid Services-Burial & Sp. Care Wages—Hourly

A/C 516-537-000-706

17,544.00 from Cemetery Div. Grounds Maint. Wages—Hourly

A/C 516-538-000-706

21,930.00 to Parks—Rec. Cemetery Div. Admin.

Cavation, Sick Leave, & Pers. Lv.

A/C 516-536-000-713

(Controller's Div. request to isolate these costs for purposes of establishing proper hourly employee fringe benefit rate for Cemetery Division.)

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

SIDNEY WORTHINGTON
PAT LINDEMANN
Committee on Ways and Means

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

Nays: None.

Absent: None.

INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Providing for the repeal of Sections 2-10 through 2-125, inclusive, of Chapter 2 of the Code of Ordinances, and declaring the same to be null and void and of no effect. (Administrative Provisions).

Providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119,

2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department, Agency and Division Heads.

Were introduced by Councilmember Worthington read a first and second time by their titles and referred to the Committee on General Services.

RESOLUTION #0508

By COMMITTEE ON GENERAL SERVICES—

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November 10, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinances:

Providing for the repeal of Sections 2-10 through 2-15, inclusive, of Chapter 2 of the Code of Ordinances, and declaring the same to be null and void and of no effect for the purpose of dissolving the Civic Center Advisory Board.

Providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department, Agency and Division Heads.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCE

The following Ordinance of the City of Lansing, Michigan providing that the code of ordinances be amended by;

Amending Section 31-176, Chapter 31, of the Code of Ordinances, for the purpose of increasing certain parking fines was introduced by Councilmember Blair, read a first and second time by its title and referred to the Committee on Public Safety and Properties.

RESOLUTION #0509

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November 10, 1986 at 7:00 P.M. in the 10th Floor Chamber of City Council for the purpose of opposing and/or approving the Ordinance for amending Chapter 31, Section 31-176 of the Code of Ordinances, for purpose of increasing certain parking fines.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCE

The following Ordinance of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Adding a new Division 10A to Chapter 36— Zoning —“D-2” Residential/Office District to permit the construction or conversion of structures for combined office and residential use primarily in the Central Area providing the residential character of the structure and the parcel is retained was introduced by Councilmember Creamer read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #0510

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November 24, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinance for Chapter 36—Zoning by adding Sections numbered 36-27A through 36-27A.11—

Adding a new Division 10A—“D-2” Residential/Office District to permit the construction or conversion of structures for combined office and residential use primarily in the Central Area providing the residential character of the structure and the parcel is retained.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—8.

NAYS: None.

ABSENT: None.

ORDINANCES

By COUNCILMEMBER WORTHINGTON—

The Committee report that it had considered ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by:

Providing for the revision of Chapter 22 by adding new Article V containing sections numbered 22-78 through 22-85 inclusive, which provides for the prohibition of the possession, manufacture, delivery, or sale and advertisement of drug paraphernalia, and to

provide penalties for the violation thereof and recommended that the ordinance be passed.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the revision of Chapter 22 by adding new Article V containing sections numbered 22-78 through 22-85 inclusive, which provides for the prohibition of the possession, manufacture, delivery, or sale of advertisement of drug paraphernalia, and to provide penalties for the violation thereof be placed on order and to provide penalties for the violation thereof be placed on order of immediate passage.

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the revision of Chapter 22 by adding new Article V containing sections numbered 22-78 through 22-85 inclusive, which provides for the prohibition of the possession manufacture, delivery, or sale and advertisement of drug paraphernalia, and to provide penalties for the violation thereof be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 730

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REVISION OF CHAPTER 22 BY ADDING NEW ARTICLE V CONTAINING SECTIONS NUMBERED 22-78 THROUGH 22-85—INCLUSIVE, WHICH PROVIDES FOR THE PROHIBITION OF THE POSSESSION, MANUFACTURE, DELIVERY, OR SALE AND ADVERTISEMENT OF DRUG PARAPHERNALIA, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

The City of Lansing Ordains:

Section 1. That Chapter 22 of the Code of Ordinances of the City of Lansing, Michigan, be amended by adding a new Article V containing Sections numbered 22-78 through 22-85 inclusive to read as follows:

SEC. 22-78. DEFINITIONS:

(A) THE TERM "DRUG PARAPHERNALIA" MEANS ALL EQUIPMENT, PRODUCTS AND MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE, IN PLANTING, PROPAGATING, CULTIVATING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, CONTAINING, CONCEALING, INJECTING, INGESTING, INHALING, OR OTHERWISE INTRODUCING INTO THE HUMAN BODY A CONTROLLED SUBSTANCE IN VIOLATION OF STATE OR LOCAL LAW. IT INCLUDES, BUT IS NOT LIMITED TO:

(1) KITS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING OR HARVESTING OF ANY SPECIES OF PLANT WHICH IS A CONTROLLED SUBSTANCE OR FROM WHICH A CONTROLLED SUBSTANCE CAN BE DERIVED;

(2) KITS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, OR PREPARING CONTROLLED SUBSTANCE;

(3) ISOMERIZATION DEVICES USED, INTENDED FOR USE, OR DESIGNED FOR USE IN INCREASING THE POTENCY OF ANY SPECIES OF PLANT WHICH IS A CONTROLLED SUBSTANCE;

(4) TESTING EQUIPMENT USED, INTENDED FOR USE, OR DESIGNED FOR USE IN IDENTIFYING, OR IN ANALYZING THE STRENGTH, EFFECTIVENESS OR PURITY OF CONTROLLED SUBSTANCES;

(5) SCALES AND BALANCES USED, INTENDED FOR USE, OR DESIGNED FOR USE IN WEIGHING OR MEASURING CONTROLLED SUBSTANCES;

(6) DILUTENTS AND ADULTERANTS, SUCH AS QUININE HYDROCHLORIDE, MANNITOL, MANNITE, DESTROSE AND LACTOSE, USED, INTENDED FOR USE, OR DESIGNED FOR USE IN CUTTING CONTROLLED SUBSTANCES;

(7) SEPARATION GINS AND SIFTERS USED, INTENDED FOR USE OR DESIGNED FOR USE IN REMOVING TWIGS AND SEEDS FROM, OR IN OTHER WISE CLEANING OR REFINING, MARIJUANA;

(8) BLENDERS, BOWLS, CONTAINERS, SPOONS AND MIXING DEVICES USED, INTENDED FOR USE, OR DESIGNED FOR USE IN COMPOUNDING CONTROLLED SUBSTANCES;

(9) CAPSULES, BALLOONS, ENVELOPES AND OTHER CONTAINERS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PACKAGING SMALL QUANTITIES OF CONTROLLED SUBSTANCES;

(10) CONTAINERS AND OTHER OBJECTS USED, INTENDED FOR USE, OR DESIGNED

FOR USE IN STORING OR CONCEALING CONTROLLED SUBSTANCES;

(11) OBJECTS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA, COCAINE, HASHISH, OR HASHISH OIL INTO THE HUMAN BODY, SUCH AS:

(a) METAL, WOODEN, ACRYLIC, GLASS, STONE, PLASTIC, OR CERAMIC PIPES WITH OR WITHOUT SCREENS, PERMANENT SCREENS, HASHISH HEADS, OR PUNCTURED METAL BOWLS;

(b) WATER PIPES;

(c) CARBURETION TUBES AND DEVICES;

(d) SMOKING AND CARBURETION MASKS;

(e) ROACH CLIPS: MEANING OBJECTS USED TO HOLD BURNING MATERIALS, SUCH AS A MARIJUANA CIGARETTE, THAT HAS BECOME TOO SMALL OR TOO SHORT TO BE HELD IN THE HAND;

(f) MINIATURE COCAINE SPOONS, AND COCAINE VIALS;

(g) CHAMBER PIPES;

(h) CARBURETOR PIPES;

(i) ELECTRIC PIPES;

(j) AIR-DRIVEN PIPES;

(k) CHILLUMS;

(l) BONGS;

(m) ICE PIPES OR CHILLERS.

(B) IN DETERMINING WHETHER AN OBJECT IS "DRUG PARAPHERNALIA", A COURT OR OTHER AUTHORITY SHOULD CONSIDER IN ADDITION TO ALL OTHER LOGICALLY RELEVANT FACTORS, THE FOLLOWING:

(1) STATEMENTS BY AN OWNER OR BY ANYONE IN CONTROL OF THE OBJECTS CONCERNING ITS USE;

(2) PRIOR CONVICTIONS, IF ANY, OF AN OWNER, OR OF ANYONE IN CONTROL OF THE OBJECT, UNDER ANY STATE OR FEDERAL LAW RELATING TO ANY CONTROLLED SUBSTANCES;

(3) THE PROXIMITY OF THE OBJECT, IN TIME AND SPACE, TO A DIRECT VIOLATION OF STATE LAW;

(4) THE PROXIMITY OF THE OBJECT TO CONTROLLED SUBSTANCES;

(5) THE EXISTENCE OF ANY RESIDUE OF CONTROLLED SUBSTANCES ON THE OBJECT;

(6) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE INTENT OF AN OWNER, OR

OF ANYONE IN CONTROL OF THE OBJECT, TO DELIVER IT TO PERSONS WHOM HE KNOWS, INTENDS TO USE THE OBJECT TO FACILITATE A VIOLATION OF STATE OR LOCAL LAW; THE INNOCENCE OF AN OWNER, OR OF ANYONE IN CONTROL OF THE OBJECT, AS TO A DIRECT VIOLATION OF STATE LAW SHALL NOT PREVENT A FINDING THAT THE OBJECT IS INTENDED FOR USE, OR DESIGNED FOR USED AS DRUG PARAPHERNALIA;

(7) INSTRUCTION, ORAL OR WRITTEN, PROVIDED WITH THE OBJECT CONCERNING ITS USE;

(8) DESCRIPTIVE MATERIALS ACCOMPANYING THE OBJECT WHICH EXPLAIN OR DEPICT ITS USE;

(9) NATIONAL AND LOCAL ADVERTISING CONCERNING ITS USE;

(10) THE MANNER IN WHICH THE OBJECT IS DISPLAYED FOR SALE;

(11) WHETHER THE OWNER, OR ANYONE IN CONTROL OF THE OBJECT, IS A LEGITIMATE SUPPLIER OF LIKE OR RELATED ITEMS TO THE COMMUNITY SUCH AS A LICENSED DISTRIBUTOR OR DEALER OF TOBACCO PRODUCTS;

(12) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE RATIO OF SALES OF THE OBJECT(S) TO THE TOTAL SALES OF THE BUSINESS ENTERPRISE;

(13) THE EXISTENCE AND SCOPE OF LEGITIMATE USES FOR THE OBJECT IN THE COMMUNITY;

(14) EXPERT TESTIMONY CONCERNING ITS USE.

SEC. 22-79. POSSESSION OF DRUG PARAPHERNALIA.

IT IS UNLAWFUL FOR ANY PERSON TO USE, OR TO POSSESS WITH INTENT TO USE, DRUG PARAPHERNALIA TO PLANT, PROPAGATE, CULTIVATE, GROW, HARVEST, MANUFACTURE, COMPOUND, CONVERT, PRODUCE, PROCESS, PREPARE, TEST, ANALYZE, PACK, REPACK, STORE, CONTAIN, CONCEAL, INJECT, INGEST, INHALE, OR OTHERWISE INTRODUCE INTO THE HUMAN BODY A CONTROLLED SUBSTANCE IN VIOLATION OF STATE OR LOCAL LAW.

SEC. 22-80. MANUFACTURE, DELIVERY OR SALE OF DRUG PARAPHERNALIA.

IT IS UNLAWFUL FOR ANY PERSON TO DELIVER, SELL, POSSESS WITH INTENT TO DELIVER OR SELL, OR MANUFACTURE WITH INTENT TO DELIVER OR SELL, DRUG PARAPHERNALIA, KNOWING THAT IT WILL BE USED TO PLANT, CONVERT, PRODUCE, PROCESS, PREPARE, TEST, ANALYZE, PACK, REPACK, STORE, CONTAIN, CONCEAL, INJECT, INGEST, INHALE OR OTHERWISE IN-

TRODUCE INTO THE HUMAN BODY A CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW.

SEC. 22-81. ADVERTISEMENT OF DRUG PARAPHERNALIA.

IT IS UNLAWFUL FOR ANY PERSON TO PLACE IN ANY NEWSPAPER, MAGAZINE, HANDBILL, SIGN, POSTER, OR OTHER PUBLICATION ANY ADVERTISEMENT, KNOWING THAT THE PURPOSE OF THE ADVERTISEMENT, IN WHOLE OR IN PART, IS TO PROMOTE THE SALE OF OBJECTS DESIGNED OR INTENDED FOR USE AS DRUG PARAPHERNALIA.

SEC. 22-82. EXCEPTIONS.

THIS ORDINANCE SHALL NOT APPLY TO MANUFACTURES, WHOLESALERS, JOBBERS, LICENSED MEDICAL TECHNICIANS, TECHNOLOGISTS, NURSES, HOSPITALS, RESEARCH TEACHING INSTITUTIONS, CLINICAL LABORATORIES, MEDICAL DOCTORS, OSTEOPATHIC PHYSICIANS, DENTISTS, CHIROPODISTS, VETERINARIANS, PHARMACISTS, AND EMBALMERS IN THE NORMAL LEGAL COURSE OF THEIR RESPECTIVE BUSINESS OR PROFESSION, NOR TO PERSONS SUFFERING FROM DIABETES, ASTHMA, OR ANY OTHER MEDICAL CONDITION REQUIRING SELF-INJECTION.

SEC. 22-83. CIVIL FORFEITURE.

ANY DRUG PARAPHERNALIA USED, SOLD, POSSESSED WITH INTENT TO USE OR SELL, OR MANUFACTURED WITH INTENT TO SELL IN VIOLATION OF THIS ARTICLE SHALL BE SEIZED AND FORFEITED AND MAY BE DESTROYED AFTER 60 DAYS.

SEC. 22-84. PENALTY.

ANY PERSON WHO SHALL BE CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS, OR BY IMPRISONMENT NOT TO EXCEED NINETY (90) DAYS, OR BOTH, IN THE DISCRETION OF THE COURT. EACH DAY A VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE OFFENSE AND MAY BE PUNISHED ACCORDINGLY.

SEC. 22-85. SEVERABILITY.

IF ANY SECTION, SUBSECTION, CLAUSE, PHRASE OR PORTION OF THIS ORDINANCE IS FOR ANY REASON HELD INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED A SEPARATE, DISTINCT AND INDEPENDENT PORTION OF THIS ORDINANCE, AND SUCH HOLDING SHALL NOT

AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

Section 2. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect 30 days from the date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried.

ORDINANCES

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the code for property located at:

a. Z-22-86—Mt. Hope Avenue at Bradley St. (southwest corner) to be rezoned from "C" Residential District to "F" Commercial District filed by Dale A. Nemeth.

b. Z-24-86—1035 E. Saginaw St. to be rezoned from "C" Residential District to "D-1" Professional District filed by Charles Abraham.

c. Z-25-86—208 East Mt. Hope Ave. to be rezoned from "B" and "C" Residential Districts to "D-1" Professional District filed by Charles Fleck and William Murry.

d. Z-26-86—1015 McKim Avenue to be rezoned from "A" Residential District to "J" Parking District filed by Calvary United Methodist Church.

and recommended that the ordinances be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-22-86—Mt. Hope Avenue at Bradley St. (southwest corner) to be rezoned from "C" Residential District to "F" Commercial District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for Property located at Z-22-86—Mt. Hope Avenue at Bradley St. (southwest corner) to be rezoned from "C" Residential District to "F" Commercial District be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 2199

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-22-86, Mt. Hope Avenue at Bradley (Southwest corner)

Parcel Number: 3301-28-103-141 and 3301-28-103-151.

Legal Description: Lots 8 and 9, Rockford Subdivision; a part of the north half of the northwest ¼ Section 28, T4N, R2W, City of Lansing, Ingham County, Michigan.

From "C" Residential District to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing,

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-24-86—1035 E. Saginaw St. to be rezoned from "C" Residential District to "D-1" Professional District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing;

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-24-86—1035 E. Saginaw St. to be rezoned from "C" Residential District to "F" Commercial District be no passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 2200

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-24-86, 1035 East Saginaw

Parcel Number: 3301-10-378-151

Legal Description: Lots 29 and 30 except the south 7 feet thereof, Metlin Addition, City of Lansing, Ingham County, Michigan.

From "C" Residential District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Councilmember Blair left the session.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing;

That the Ordinances providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-25-86—208 E. Mt. Hope Avenue to be rezoned from "B" and "C" Residential Districts to "D-1" Professional District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing;

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-25-86—208 E. Mt. Hope Avenue to be rezoned from "B" and "C" Residential Districts to "D-1" Professional District be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Blair—(1).

ORDINANCE NO. 2201

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-25-86, 208 East Mt. Hope Avenue

Parcel Number: 3301-28-202-461

Legal Description: The north 162 feet of the west 100 feet, except the north 10 feet of Lot 5, Assessor's Plat #46, on the northeast ¼ section 28, T4N, R2W, City of Lansing, Ingham County, Michigan.

From "B" and "C" Residential Districts to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-26-86—1015 McKim Avenue to be rezoned from "A" Residential District to "J" Parking District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing,

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-26-86—1015 McKim Avenue to be rezoned from "A" Residential District to "J" Parking District be now passed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7)

NAYS: None.

ABSENT: Councilmember Blair—(1)

ORDINANCE NO. 2202

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-26-86, 1015 McKim Avenue

Parcel Number: 3301-27-126-021

Legal Description: The west 50 feet of Lots 44 and 45 and the south 5.5 feet of the west 50 feet of Lot 46, Assessor's Plat #44, City of Lansing, Ingham County, Michigan.

From "A" Residential District to "J" Parking District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER LINDEMANN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting a letter from William M. Weathers requesting that a traffic light be installed at the corner of Holmes Road and So. Catherine St. due to the hazardous conditions that exist at this corner.

Referred to the Mayor and Traffic Board.

REMARKS BY THE MAYOR

Al Tubbs, Director of Planning and Municipal Development, and comments on furnace inspections within the City.

REMARKS BY THE CITY COUNCIL

Councilmember Adado remarked on the financing for Embassy Hotel and compared it to financing on Radisson Hotel.

Councilmember Creamer remarked about petitions being circulated and questioned the laws involved, Glenburne problems, vacant code compliance officer position needing to be filled.

Councilmember Schmidt asked about leaves being placed in the streets.

Councilmember Blair remarked on ad being run in the newspaper featuring a police officer endorsing a candidate.

Councilmember Benavides remarked on the auction fundraiser being held Sunday at the Clarion Hotel for the Food Bank.

Speakers from the Audience:

Merle Lemon, 1803 Linval spoke of problems in the Baker/Linval Area.

Mike Farley, Forest View Citizens Association spoke of their organization not supporting the Proposal #3 on the ballot for Streets.

Dorothy Carr, 1702 Linval, asked about a lock program for Senior Citizens.

Doug Griffin, 5405 S. Logan, spoke on behalf of Labor regarding the petitions being circulated against the Embassy Suites Hotel.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned:

Carried.

Council adjourned at 11:10 p.m.

RITA M. BAUMAN
City Clerk

November 3, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, November 10, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

November 10, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

Council Proceeding of October 20, 1986 were approved.

HEARING ON PROPOSED CHANGE IN ZONING CLASSIFICATION

November 10, 1986, at 7:00 o'clock being the time set as the time for holding a hearing on the proposed changes in the classifications as provided for in the Zoning Code which was passed by the City Council on March 7, 1983, said proposed amendment being as follows:

That the property described as:

Z-27-86—1217 W. Oakland Avenue, described as, Lot 105 Oakdale Addition, City of Lansing, Ingham County, Michigan to be rezoned from "DM-4" Residential District to "D-1" Professional Office District.

The Council President announced that if there was anyone present who had any suggestions or objections to make to the proposed amendment to the Classifications provided from in the Zoning Code, he had the privilege of speaking at this time.

No Persons Spoke.

Referred to the Committee on Physical Development.

PUBLIC HEARINGS

November 10, 1986 at 7:00 o'clock P.M. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance providing for amending Chapter 9A by revising sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code.

The Council President announced if there is anyone present who has any suggestions or objections to make to the proposed ordinance amendments, they will have the privilege of speaking at this time.

Brenda Cook, 540 W. Willow St., spoke and asked for passage of the Ordinance.

Vickie Varney, 222 Bingham St., Eastside Neighborhood Organization member, spoke in support of Ordinance.

Frank Decker, 2905 N. Hagadorn Rd., Mason, MI, disapproved of the Ordinance.

Priscilla Holmes, 220 Reo Ave., spoke in support.

Marjean Franklyn, representative of the Mid-Michigan Landlords Assoc. said they could support the Ordinance if it applied to all housing in the city including owner occupied who rented part of a property thinks all property units should be included.

David Taylor, 4645 Jacobs Rd. Perry, MI spoke and said it should be applied to all housing units in city.

Mary Clark, 223 S. 8th St., spoke in support.

LeRoy Harvey, 207 N. Foster, spoke in support.

Beverly Miller, No. Lansing Community Association spoke in support.

Ellen Moore, a landlord, telephone a message that she thought it should apply to all housing.

Referred to the Committee on General Services.

November 10, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the

time and place set as the time for holding a public hearing on the proposed Ordinance providing for the repeal of Sections 2-10 through 2-15, inclusive of Chapter 2 of the Code of Ordinances, and declaring the same to be null and void and of no effect for the purpose of dissolving the Civic Center Advisory Board.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance repeal, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Public Safety and Properties.

November 10, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department, Agency and Division heads.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance repeal, they will have the privilege of speaking at this time.

No Persons Spoke.

Referred to the Committee on General Services.

November 10, 1986, at 7:00 p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance amending Section 31-176, Chapter 31, of the Code of Ordinances, for the purpose of increasing certain parking fines.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance amendment, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Public Safety and Properties.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Mayor's letter 4a and 4c3 were pulled from the agenda.

City Attorney letter 1c and Committee Report 2c were pulled from the agenda.

Jay Whitney, 901 Bates St., spoke on City Attorney letter 1j - clarification of Drug Paraphernalia Ordinance.

COMMUNICATION AND PETITIONS

The following applications and bonds have been received for licenses:

Sign Erector License—Cecil Marr Electric.

Peddler—John K. Speed.

Public Driver—Robert Terry Bufford, James Edward Jackson, Stephen C. Lanier, Erice S. McCade.

Referred to the Committee on General Services.

Suit filed in Wayne County Circuit Court by Seth Adam Robbins, by his next friend, Diana Robbins, vs Motor Wheel Corp., George F. Eyde, Louis J. Eyde d/b/a Eyde Construction Co., Conrail and C&O Railroad, City of Lansing and/or County of Ingham and/or Michigan Dept. of Transportation for damages and injuries sustained while trying to board a slow moving train.

Referred to the City Attorney.

Claims filed by:

a. James Richards, East Lansing, MI, for automobile damaged from hitting a raised manhole cover on Clemens Ave.

b. Ronald L. Dewey, 2415 Marion, for broken windshield from a stone dropping from a city truck.

c. Tracy James Ostrander, 2825 Reo Rd., for towing of automobile and damaged radiator from tow truck.

d. Mrs. Thurman Brown, 1500 Mary Ave., submits bill for Mercy Ambulance Service due to unavailability of Fire Dept. Ambulance.

e. Mylene M. Randall, Holt, MI, for damages to automobile top from South Capitol Ramp gate-arm.

Referred to the City Attorney.

Petitions filed from rezonings:

Z-32-86—508 Torrance Ct., described as, Lots 22 and 23 Torrance Court Subdivision, to be rezoned from "C" Residential District to "J" Parking District filed by Robert W. Corey.

Z-33-86—2120 W. Jolly Road, described as, That part of Lot 6 Pleasant Grove Subdivision described as: the south 70 feet of the west 56 feet of Lot 6, Pleasant Grove Sub., City of Lansing, Ingham County, Michigan, to be rezoned from "A" Residential District to "F" Commercial District filed by City Council.

Referred to the Mayor and Planning Board.

Michigan Liquor Control Commission submits notice of cancellation of license application for Kelly's Inc., 203 S. Washington, for an outdoor service permit.

Referred to the City Clerk.

Petitions filed for installation of "no parking signs" on north and south side of Reo Rd.

Referred to the Mayor and Traffic Board.

Letter of support for the Embassy Suites Hotel Project from Major General Vernon J. Andrews, Director of Department of Military Affairs and Adjutant General for the State of Michigan.

Received and Placed on File.

Resolution of support from the Ingham County Board of Commissioners for the recent ordinance banning Drug Paraphernalia.

Received and Placed on File.

Tri-County Regional Planning Commission submits notification of three councilmembers appointments which will expire on December 31, 1986.

Referred to the Council President.

System Parking, Inc. submits letter regarding the city's parking system and development of new parking options.

Referred to the Mayor and Committee on Public Safety and Properties.

Consumers Power Company submits notice of hearing for authority to issue securities Case No. U-8544.

Received and Placed on File.

MAYOR'S COMMENT ON AGENDA ITEMS

Mayor's letters 4b (Consolidated Tax Anticipation Notes (CTANS); 4c1 (Appointment Rev. Melvin T. Jones to Human Relations Board) 4c2 (Appointment Fred Tittle to the Elected Officers Compensation Board); 4d1 (Resignation of E.L. (Sam) Pardee from Public Service Board); 4d2 (Resignation of Louis H. Tomlinson from Elected Officers Compensation Commission); 4f (Dun & Bradstreet 2nd Quarter Building Permit Values); 4k (Fleet Maintenance Records); 4o (Draft Policies for booking, marketing, operation and management of proposed Conference Center for Michigan Square Development Project) and 4n (Lansing-based Universal Steel Co). Mayor McKane introduced James Anderton IV of Summit Steel Processing and Bill Hollister of Universal Steel who spoke regarding the buying out of the Ohio interest in Universal Steel and making it wholly Michigan owned Company.

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

Approves the following Licenses and Bonds:

Sign Erectors License—Cecil Marr Electric.

Peddler—John K. Speed.

Public Driver—Robert Terry Bufford, James Edward Jackson, Stephen C. Lanier, Erice S. McCade, Jerry Michael Parks, Ralph Watkins, Jr.

Reports As Follows: that said applications be approved.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Carried.

Councilmember Creamer left the meeting.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following ordinance:

Providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114; 2-115, 2-116, 2-117, 2-118, 2-119, 2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department Agency and Division Heads

Reports As Follows: That said ordinance be approved.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on General Service.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Creamer—(1).

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the following Ordinance:

Providing for the repeal of sections 2-10 through 2-15, inclusive, of Chapter 2, of the Code of Ordinances and declaring the same to be null and void and of no effect for the purpose of dissolving the Civic Center Advisory Board

Reports As Follows: That said Ordinance be approved.

Signed:

Committee on Public Safety
and Properties

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides,
Blair, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Creamer—(1).

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the report from the mayor
and planning Board on ACT-49-86, Request for
renaming of Logan Street,

Reports As Follows: The Pastors' Conference of
Greater Lansing as requested the consideration of
their proposal to rename Logan Street in honor of Dr.
Martin Luther King, Jr. The Planning Board found no
technical complications or difficulties in changing the
street name. The Planning Board and the Mayor have
recommended that the Council hold a public hearing
on the name change if a majority or property owners
along Logan Street present petitions endorsing the
change. On the specific issue of approving the name
change, however, neither the Planning Board nor the
Mayor offered a recommendation. The Committee re-
quests that the Mayor forward this recommendation
on whether the name of Logan Street should be chang-
ed to Dr. Martin Luther King, Jr. Street before Coun-
cil officially encourages a petition drive among prop-
erty owners.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides,
Blair, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Creamer—(1).

Councilmember Creamer returned to the meeting.

The COMMITTEE OF THE WHOLE—

To whom was referred the following Ordinance:

Ordinance amending Chapter 2 by adding a new
Section 2-122 for the purpose of establishing the
qualifications for the Director of Labor Relations,

Reports As Follows: That said Ordinance be ap-
proved.

Signed:

TONY BENAVIDES
LUCILE E. BELEN
CHARLES M. CREAMER
ALFREDA SCHMIDT
SIDNEY P. WORTHINGTON
Committee of the Whole.

By COUNCILMEMBER ADADO—

That the report of the Committee be tabled for 1
week.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides,
Blair, Creamer, Lindemann, Schmidt and Worthing-
ton—(8).

NAYS: None.

ABSENT: None.

By COUNCILMEMBER WORTHINGTON—

That we move to reconsider previous vote so as to
speak to the Committee Report.

ADOPTED by the following vote:

YEAS: Councilmembers Belen, Benavides,
Creamer, Lindemann, Schmidt and Worthing-
ton—(6).

NAYS: Councilmembers Adado and Blair—(2).

ABSENT: None.

Councilmember Worthington spoke to move pas-
sage of ordinance establishing qualifications to enable
the administration to advertise for the position of
Labor Relations Director.

Much discussion was held, during which, it was
pointed out that the LIEU had to start negotiations by
November 20, 1986 since contract is up January 1,
1987.

Councilmember Belen called for the question to
stop the debate.

ADOPTED by the following vote:

YEAS: Councilmembers Belen, Benavides, Blair,
Creamer, Lindemann, Schmidt and Worthing-
ton—(7).

NAYS: Councilmember Adado—(1).

ABSENT: None.

The Committee Report as presented was:

ADOPTED by the following vote:

YEAS: Councilmembers Belen, Creamer, Lindemann, Schmidt and Worthington—(5).

NAYS: Councilmembers Adado, Benavides and Blair—(3).

ABSENT: None.

THE COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the following rezoning petition:

Z-27-86—1217 W. Oakland Ave. to be rezoned from "DM-4" Residential District to "D-1" Professional Office District.

Reports As Follows: That said rezoning be approved.

Signed:

CHARLES M. CREAMER
ALFREDA M. SCHMIDT
LUCILE E. BELEN
Committee on Physical Development.

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

REPORTS OF CITY OFFICERS AND BOARDS

President Benavides and
Members of Lansing City Council

RE: Claim of Ronald C. Thompson
In the Amount of \$42.97

Dear President Benavides and
Members of Lansing City Council:

On June 16, 1986, Ronald C. Thompson, 1928 N. East Street, Lansing, Michigan filed a claim for damages to his vehicle allegedly caused by striking a manhole raised above the road surface eastbound on Grand Avenue, east of Center Street and west of the railroad tracks on June 4, 1986.

This matter was investigated by the Public Service Department which reported that the Operations and Maintenance Division did concrete slab repair on Grand River Avenue (North Street extension of Grand River Avenue) between Center Street and railroad tracks during late April and early May, 1986. At that time, a manhole was raised 1½" on April 26, in the eastbound lane, in preparation for paving. It is general procedure to raise manholes to meet the new grade of pavement which in this case will be laid in October of

1986. During the time the above work was being done the street was closed to traffic, and prior to its being opened, asphalt was placed around the manhole casting on May 6, 1986 to prevent damage to vehicles. The street was opened to traffic shortly afterwards on the same day, May 6, 1986, so, when claimant drove over the manhole on June 4, 1986, the manhole was raised no more than one and one-half inches. Consequently, the raised manhole did not constitute a defect (pictures of the manhole in the condition of June 4, 1986 are attached to this letter). Since there was no defect, the City is not at fault and is not liable.

Based on the above, it is the recommendation of this office that this claim should be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and said claim be denied.

Carried.

November 6, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Elnora Smith

Dear President Benavides and
Members of Lansing City Council:

On July 21, 1986, Mrs. Elnora Smith, 1526 Ballard St. filed a claim for property damage following a sewer backup into the basement in her home. Claimant states her basement was flooded sometime prior to July 21, 1986, when she was not at her home. She discovered the problem and after a great deal of effort, has calculated clean up, repair, and replacement value of the basement, water heater, and items stored in the basement at \$2,711.88.

Investigation by the Public Service Department indicates no one ever reported a sewer problem for 1526 Ballard, that an unusual number of complaints was not received in the area, and it had no information indicating a main sewer line was blocked. The period of time during which the damage is said to have occurred coincided with a period of extraordinary rainfall, and many local homes experienced such problems with water in basements.

MCLA 691.1407 provides that the City is protected by governmental immunity when engages in a governmental function. The Michigan Supreme Court held in *Ross v Consumers Power Co*, 420 Mich 554, (1985) that "governmental function" includes activities authorized by law. The construction and operation of the City's Sewer system is authorized by City Charter, Chapter 3, and City Ordinance, Article III, Sec. 27-40. Accordingly, the City is entitled to governmental immunity in this matter and is not legally obligated to pay this claim. Moreover, governmental immunity aside, there is no indication that the City was negligent in this matter.

Based on the above, it is the recommendation of this office that this claim should be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 6, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Citizens Insurance Company
Insured: Ronald and Opal Grant

Dear President Benavides and
Members of Lansing City Council:

On July 7, 1986, Citizens Insurance Company, 645 W. Grand River, Howell, filed a claim for \$239.62 in subrogation for payment to its insured, Ronald and Opal Grant, for vehicle damage allegedly due to the fall of a portable stove sign on April 29, 1986.

This matter was investigated by the Public Service Department which reported that on the above date the City was making road repair on North Street near Center and, meanwhile, maintaining temporary traffic control devices. These portable signs had been used for about one week and had not fallen during that time. On the day in question, however, the day was particularly gusty and windy, so that City work crews placed sandbags each weighing about 30 to 40 pounds on the base of the portable signs. There were three regular stop signs, each standing 5 to 7 feet and each welded onto a separate base made from a steel trunk tire rim. The crew began with 2 bags on each sign and then increased the weight to 4 bags as the wind speed and direction changed. The Grant vehicle was traveling west on North Street and stopped at a temporary stop sign which the wind blew over into the car. The accident happened despite the above efforts to maintain the stability of the sign with sand bags. The Department reported that it is the opinion of the work crew supervisor that there was no negligence on the part of the City or the work crews and that, therefore, this claim should be denied.

O'Hare v City of Detroit, 362 Mich 19 (1960) held that a city, pursuant to the state governmental immunity statute, MCLA 691.1403, has a duty to maintain its streets, including its stop signs, in a condition reasonably safe and fit for travel. The facts show that the City was doing its best to keep the road safe for travel, and there is no evidence to support a claim of negligence against the City or its work crew. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 1986

President Benevides and
Members of Lansing City Council

RE: Claim of Todd Lamb

Dear President Benavides and
Members of Lansing City Council:

On August 24, 1986, Todd Lamb submitted a claim in the amount of \$20.00 for damage to the wheel of his bicycle. Claimant states that on July 29, 1986, at dusk he was riding his bicycle in the 500 block of Irvington near the intersection of Irvington and Hunter. Claimant states that he struck a manhole cover partially hidden by grass. The force ruined the tires and back rim of his 10 speed bicycle.

A review of Public Service records indicate that there is in fact a manhole cover in the sidewalk at 515 Irvington. The manhole was filled in with asphalt several years ago during maintenance activities. Since the repair, grass has grown through the asphalt causing it to become broken and uneven. Repairs were made on the manhole in August, 1986 to correct this problem. This was the first notice of any needed maintenance.

A governmental agency is immune from tort liability for damages caused by defective sidewalks unless the governmental agency had or should have had knowledge of the defect and had a reasonable time to repair the defect before the damages occurred. MCLA 691.1403.

Based upon the facts of this claim, including lack of notice of the problem, and the applicable law, it is the recommendation of this office that this claim should be denied based on governmental immunity.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 6, 1986

President Benavides and
Members of Lansing City Council

RE: Proposed settlement of *City of Lansing v Edgewood Associates*, Ingham County Circuit Docket No. 86-57502-CC

Dear President Benavides and
Members of the Lansing City Council:

This office commenced a condemnation lawsuit against Edgewood Associates to acquire property needed for construction of Edgewood Boulevard. A diagram of the parcel and the proposed right of way is attached hereto.

Prior to the filing of this case, the Development Division explored the possibility of purchasing the entire parcel from Edgewood Associates. Such a purchase was requested by Edgewood Associates because it contended the construction of the road will leave it with two (2) irregularly shaped parcel of greatly diminished utility and value. The existing parcel is approximately 4.33 acres and the remaining parcels will be approximately 2.42 acres north of the road and .99 acres south of it. Purchase was not accomplished prior to the filing of the condemnation because of the inability of the parties to reach agreement on the price.

It is the City's contention in the lawsuit that the Edgewood Associates property is currently landlocked, and, therefore, its value is 50' less than comparable property that is not landlocked. Independent appraisal of the property for the City places its reduced value at \$15,000 for the entire parcel. Edgewood Associates disputes that the property is landlocked and places its value at \$10,000 per acre or approximately \$43,000.

In the condemnation action, the City seeks to acquire only the roadway portion of the property. The appraisal states that the value of the remaining parcels after the road is constructed will be increased to \$19,000 by the road. Therefore, the City, in its suit, has offered nominal consideration for the purchase of only the proposed right of way portion of the property.

This office believes the City's position in this case is adequately supported by facts and law. However, this litigation involves issues of whether the value of the property is diminished or enhanced by the road and whether the property is landlocked. These issues, if it is requested by Edgewood Associates, would be decided by a jury and would involve decisions as to the intent of parties to real estate transfers remote in time. For these reasons, this type of litigation is not without risk. Also, if the case were decided against the City, the City would be responsible for the defendant's appraisal fees and actual attorney fees.

Considering the disparity between the values of the property if it is landlocked or not landlocked, and the appraisal value of the property remaining after construction of the road, it is the recommendation of this office and of the Development Division that this matter be settled for the sum of Twenty Five Thousand Dollars (\$25,000). We are advised that such a settlement is acceptable to Edgewood Associates.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this matter be settled for the sum of \$25,000.00.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

November 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Shirley M. Marker

Dear President Benavides and
Members of Lansing City Council:

On May 26, 1986, City Council received a claim from Shirley M. Marker, 115 Park West Drive, for vehicle damage caused on May 13, 1986, when a parking gate arm decended on her car. No damage estimates have been submitted, but the claim was investigated.

On October 31, 1986, this office received formal notice from the Claimant that she desired to withdraw her claim and that she sought this Council to take no action thereon. Based upon these facts, it is the recommendation of this office that City Council take notice of the withdrawal, and take no further action at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

Received and Placed on File.

November 6, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Christopher Stralkowski

Dear President Benavides and
Members of Lansing City Council:

On July 30, 1986, Christopher Stralkowski, 3406 Glasgow Avenue, Lansing, filed a claim for damages to his mothers's house and furniture totaling \$1,605.00, due allegedly to a faulty City sewer system at that address.

The City is insured through Auto-Owners Insurance Company of Lansing for property damage claims over \$1,000.00. Therefore, this claim has been referred to the insurance company for resolution. No further action need be taken by the Council at this time.

Respectfully Submitted,

STEPHEN R. SAWYER
City Attorney

Received and Placed on File.

November 1986

the Lansing Code of Ordinances is sufficient to constitute an offense under Section 22-79.

President Benavides and
Members of Lansing City Council

RE: Claim of Walter Hapkiewicz
In the Amount of \$206.50

Dear President Benavides and
Members of Lansing City Council:

On August 27, 1986, Walter Hapkiewicz submitted a claim in the amount of \$206.50 for a special cleanup assessment upon his summer taxes for property at 742 East Shiawassee Street. Claimant states that notice of violation was sent to his old address of 1145 Shelter Lane. Claimant states that he has experienced difficulty with people throwing trash onto his property. Claimant indicates that he has himself cleaned up the property and even hired a trash collection agency to clean up the property and therefore was surprised by the assessment.

Information received from the Chief Code Compliance Officer indicates that 742 East Shiawassee Street was inspected on January 24, 1986. Trash was found in the front and along the westside of the building. A notice of violation of the Building Code was mailed on January 24, 1986, the same day of the inspection. The property was reinspected on February 5, 1986. The condition of the property remained the same with trash in the front and along the westside of the building.

The notice of violation was mailed to the claimant at the address of 1145 Shelter Lane. The City Assessor records indicate that Claimant changed his address to a new address of 1850 Bramble Dr. on April 29, 1985. The notice should have been mailed to Claimant's new address as indicated by the records of the Assessor's Office pursuant to Chapter 9A of the Lansing Code of Ordinances.

Therefore, it is the recommendation of this office that the claim be granted.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be approved and the amount of the special cleanup assessment be removed from the tax record.

Carried.

November 10, 1986

President Benavides and
Members of the Lansing City Council

Dear President Benavides and
Members of the City Council:

You have requested this office for an opinion regarding whether the mere possession of items identified in Section 22-78 of Article V of Chapter 22 of

CONCLUSION

Mere possession of any of the items identified in Section 22-78 of Article V of Chapter 22 of the Lansing Code of Ordinances is NOT sufficient to constitute an offense under Section 22-79 of the Lansing Code of Ordinances.

DISCUSSION

Section 22-78 of Article V of Chapter 22 of the Lansing Code of Ordinances provides a list of items such as "scales and balances USED, intended for use or designed for use in weighing or measuring controlled substances . . .". A plain reading of the ordinance makes it clear that in order to be prosecuted under this ordinance 1) an individual must either be USING these items in conjunction with controlled substances; or 2) this office must be able to prove beyond a reasonable doubt that an individual INTENDS to use any of these items in conjunction with controlled substances; 3) this office must prove beyond a reasonable doubt that an item enumerated in Section 22-78 of the ordinance was DESIGNED FOR USE in conjunction with controlled substances.

Thus MERE POSSESSION of any of the items set forth in Section 22-78 of the Lansing Code of Ordinances is insufficient to constitute an offense under the Lansing Code of Ordinances.

Respectfully submitted,

ALVAN P. KNOT
Chief Assistant City Attorney

Received and Placed on File.

November 6, 1986

Council President Benavides and
Members of the Lansing City Council

Attached herewith are three applications for Public Drivers Licenses that were returned unsigned from the Lansing Police Department. They do not recommend that Norman James Ritchie, Julius Foster McLaurine and Melvin Leroy Lewis have Public Driver Licenses under Section 33-28 (b) (3) (d).

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services and the City Attorney.

November 6, 1986

Council President Benavides and
Members of the Lansing City Council

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's Office by the Budget Director. (No. 5 thru 7 FY 86-87)

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means.

November 6, 1986

Mayor Terry J. McKane,
Council President Antonio Benavides,
and City Council Members

Dear Mayor McKane and
City Council Members:

The City Council has received a request from the developers of the Poxson Building to change ownership from Riverview Associates, to Riverview Associates Limited Partnership.

In line with that request, the Economic Development Corporation Board of Directors has authorized the amendment to the tax exempt bonding for this project.

We request that the City Council authorize this amendment to the Project Plan.

Sincerely yours,

EMERSON B. OHL
Executive Director

Referred to the Committee on Economic Development.

November 5, 1986

Council President Tony Benavides
and City Councilmembers

RE: Consolidated Tax Anticipation
Notes (CTANS)

Dear President Benavides
and Councilmembers:

Attached is the proposed final borrowing resolution for the 1986 CTANS Series II as prepared by the City's Note Counsel, Miller, Canfield, Paddock and Stone. I am requesting that a special session of the City Council be called on Thursday, November 13, 1986 either before or after the Committee of the Whole meeting for purposes of approving this resolution and awarding the sale of the notes to the low bidder.

This special session is needed because the notes are being sold by competitive bid which requires Council approval on the day of sale. Miller, Canfield has recommended that the notes be sold on Thursday instead of Monday due to more favorable market conditions. By capitalizing on the more favorable market conditions, the City will increase its investment income from this program.

Thank you in advance for your cooperation in this matter.

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER BENAVIDES—

That we set a public hearing for a special meeting of council to be held at 3:45 p.m. Thursday in the Council Conference Room.

Carried.

November 5, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Rev. Melvin T. Jones to the Human Relations Board. The term will expire June, 1990.

Rev. Jones is the Pastor of Union Missionary Baptist Church and resides at 1608 Moores River Drive.

He was graduated from Case Western Reserve University and Progressive Baptist Bible College in Cleveland, Ohio, receiving a Bachelor of Arts and a Masters of Divinity, respectively.

He is a life member of NAACP; Past-President of the Cincinnati Branch; and Vice-President of the Pastors' Conference.

I trust you will give careful consideration to the appointment of Rev. Jones to this important Board.

Sincerely,

TERRY J. MCKANE
Mayor

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and appoint Rev. Melvin T. Jones to the Human Relations Board.

Carried.

November 5, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit to you for your consideration and confirmation the appointment of Mr. Fred Tittle to the Elected Officers Compensation Commission. The term will expire October 1, 1991.

Mr. Tittle resides at 3601 Karen and is employed with Michigan Department of Public Health as a Manager and Analyst.

I trust you will give careful consideration to the appointment of Mr. Fred Tittle to this important Commission.

Best personal regards,

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee of the Whole.

DATE: 11/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Public Service Board resignation
—E.L. (Sam) Pardee

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 11/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Elected Officers Compensation Commission Resignation/Lois H. Tomlinson

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 11/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Park Board action on correspondence
from of Frandora Hills Area

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 11/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Dun & Bradstreet 2nd Quarter
Building Permit Values

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 11/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Letter of Support for the "D-2
Residential/Office District" proposal

The attached correspondence is submitted for your information.

Referred to the Committee on Physical Development.

DATE: 11/05/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update.

The attached correspondence is submitted for your information.

Referred to the Committee on General Service.

DATE: 11/05/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: FY 85-86 Financial Compliance Audit
of the Investment System of the Treasurer's
Common Cash Fund

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 11/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 11/06/86

November 6, 1986

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Fleet Maintenance Records.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 11/06/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-27-86, 1217 West Oakland Avenue.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 11/06/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: SLU-11-86, 1900 South Cedar Street.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

November 6, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

As you may have read, Universal Steel Company recently became a Lansing-based company. I have asked Bill Hollister and Jim Anderton to attend your Council meeting and make brief comments regarding their expanded company.

Sincerely,

TERRY J. MCKANE
Mayor

Received and Placed on File.

Council President Tony Benavides
and Members of the Lansing City Council

Dear Council President and Members:

Attached please find draft policies for the booking, marketing, operation and management of the proposed Conference Center for the Michigan Square Development Project, which I have received from Barberg and Associates. This submittal is a requirement of the Conference Center Management Agreement of September 8, 1986, between the Developer, the City of Lansing and the Lansing Building Authority.

Approval of these policies by the City and Building Authority and Developer is required prior to the issuance of a certificate of completion. Mr. Barberg has expressed his willingness to meet to review and discuss the policies.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

Councilmember Worthington Left the meeting.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0511

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is party to collective bargaining agreements with the Lansing Independent Employees Union and the International Brotherhood of Teamsters, Chauffeurs & Warehousemen, Local 580, Supervisory and Clerical, Technical, Professional bargaining units; and

Whereas, each of these collective bargaining agreements provides for the observance of holidays on December 24 and December 31, 1986; and

Whereas, the parties reopened each of the labor agreements for the sole purpose of amendment of the dates designated to observe those two (2) holidays; and

Whereas, it is the desire of each of the parties to amend the respective labor agreements to alter the days these two (2) holidays will be observed, for this year only, from December 24 and 31, 1986, to December 26, 1986 and January 2, 1987, provided that these amendments shall not apply to employees working in 24 hour continuous shift operations; and

Whereas, no other term or condition of employment in the current labor agreement is to be altered hereby; and

Whereas, the Mayor has recommended approval of the proposed amendments to the subject labor agreements and recommends that the above holiday obser-

vances be changed for the City's non-union employees, as well; and

Whereas, the proposed amendment is within budget;

Now, Therefore, Be It Resolved that the above collective bargaining agreements be amended to alter the days upon which two (2) holidays will be observed by all covered employees not working in 24 hour continuous shift operations, from December 24 and 31, 1986 to December 26, 1986 and January 2, 1987; and

Be It Further Resolved that the same change in days these holidays are observed shall apply to the City's non-union employees.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann and Schmidt—(7).

NAYS: None.

ABSENT: Councilmember Worthington—(1).

Councilmember Worthington returned to the meeting.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0512

Resolved by the City Council, City of Lansing:

ACT-43-86
Fairway Lane
Request City Acquire Property

Whereas, James Van Ravensway, Mr. and Mrs. Dennis Olmstead, Mr. and Mrs. Robert K. Spalding, Mr. and Mrs. Arthur L. Falk and Ronald Keel petitioned on September 2, 1986 for the City to acquire two parcels of property, particularly described as:

3301-11-426-002

Lots 143, 144 and part of vacated Hillgate Way lying easterly of east ROW line limited access highway US-127, also southwesterly 41.45 feet of Lot 145, Frandora Hills No. 1 Subdivision, City of Lansing, Ingham County, Michigan to include utility easement described as northeasterly 15 feet of the southwesterly 41.45 feet of Lot 145 Frandora Hills Subdivision.

Also,

That portion of vacated Woodruff Street lying between and east of the East ROW line limited access highway US-127 and Fairway Lane, and the northerly 20 feet of Lot 138 lying between the US-127 and Fairway Lane, Frandora Hills No. 1 Subdivision, City of Lansing, Ingham County, Michigan; and

Whereas, the Planning Board, under Act 285 of Public Acts 1931 recommended the acquisition of the property, and

Whereas the Parks Board also recommended that the City acquire the parcels for park and open space purposes,

Now, Therefore, Be It Resolved that necessary steps be taken to acquire the subject property, by encouraging donation and/or within the budget limits of the current balance in the Park Land Acquisition and Development account 101-936-916-974, and

Be It Further Resolved, the administration continue to explore the possibility of obtaining easement access to additional open space connecting with the parcel herein authorized for acquisition.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE OF PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0513

Resolved by the City Council of the City of Lansing:

ACT-45-86
Eastlawn Drive
Vacation of Public Right-of-Way

Whereas, one of the stipulations of the rezoning request numbered Z-25-85 approved in 1985 was the vacation of the western portion of Eastlawn Drive right-of-way, and

Whereas, the Planning Board has reviewed the vacation under Act 285 Public Acts 1931, and

Whereas, the Planning Board approved the vacation subject to:

1. A Survey of the property be completed;
2. Determination of dimensions of right-of-way to be vacated;
3. Contacting adjacent property owners to determine if they will accept the property offered (this will determine right-of-way split), and

Now Therefore Be It Resolved that this right-of-way be vacated subject to the stipulations of the Planning Board and that the Property Management Division be empowered to take the necessary steps to attach the vacated property to adjacent property.

Be It Further Resolved that such street is vacated upon the condition that the title to all gas, electric and communication poles, wires, pipes, conduits, cables, appurtenances and facilities now in, under or over said street is reserved to and shall remain in the respective owners thereof, together with the easement and the continued right to occupy said street within the right-of-way thereof for public utility purposes with present and additional facilities and to operate, maintain, repair, replace or remove the same to the same effect and in the same manner as if said street had remained a public right.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0514

Resolved by the City Council of the City of Lansing

Whereas, the Councilmember representing the Fourth Ward requested that the intersection of Aragon Drive and Kuerbitz Drive be surveyed for placement of a traffic control device in response to speeding complaints from constituents; and

Whereas, the Transportation Division Staff, the Traffic Board, and the Mayor have reviewed this matter and recommended that no traffic control is needed; and

Whereas, the Committee on Public Safety and Properties have discussed the traffic situation at this intersection with the Ward Councilmembers and have recommended that Yield signs be placed on Aragon at Kuerbitz;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves placement of Yield signs on Aragon Drive at Kuerbitz Drive.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0515

Resolved By:

Whereas, the Lansing City Council, at their meeting of October 20, 1986, passes a resolution setting a public hearing for November 24, 1986 to consider expanding the boundaries of the Capitol Commons Development Area and Citizen District Council Area; and

Whereas the public advertisement has been delayed beyond the date required by state law for notification of the public hearing; and

Whereas, the Physical Development Committee has concurred the postponing the public hearing for one (1) week, to December 1, 1986;

Now, Therefore, Be It Resolved that the Lansing City Council does resolve to set the public hearing for the ordinance amendment expanding the Capitol

Commons Development Area and Citizen District Area boundaries for December 1, 1986.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCES

The following Ordinances of the City of Lansing, Michigan providing that the code of ordinances be amended by:

Repealing Sections numbered 22-1 through 22-85, inclusive, of Chapter 22 for the purpose of updating and revising the ordinance provisions pertaining to offenses.

Adding a new Chapter 22 containing Sections numbered 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinance provisions pertaining to Offenses.

Were introduced by Councilmember Worthington, read at first and second time by their titles.

Referred to the Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0516

Resolved by the City Council of the City of Lansing

That a Public Hearing be set for Monday, November 24, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the Ordinances:

Repealing Sections numbered 22-1 through 22-85, inclusive, or Chapter 22 for the purpose of updating and revising the ordinance provisions pertaining to Offenses.

Adding a new Chapter 22, containing Sections numbered 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinance provisions pertaining to Offenses.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCES

By COUNCILMEMBER WORTHINGTON

The Committees reported they had considered

ordinances providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department, Agency and Division Heads.

Providing for the repeal of sections 2-10 through 2-15, inclusive, null and void and of no effect for the purpose of dissolving the Civic Center Advisory Board.

Ordinance amending Chapter 2 by adding a new section 2-122 for the purpose of establishing the qualifications for the Director of Labor Relations.

And Recommended that the Ordinances be passed.

By COUNCILMEMBER WORTHINGTON

Resolved by the City Council of the City of Lansing

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department, Agency and Division Heads;

Be Placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing that Chapter 2 be amended by revising sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120 and 2-121 for the purpose of updating and revising the code provisions pertaining to qualifications for Department, Agency and Division Heads,

Be Now Passed.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 731

AN ORDINANCE OF THE CITY OF LANSING,

MICHIGAN, PROVIDING THAT CHAPTER 2 BE AMENDED BY REVISING SECTIONS 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120, 2-121, FOR THE PURPOSE OF UPDATING AND REVISING THE CODE PROVISIONS PERTAINING TO QUALIFICATIONS FOR DEPARTMENT, AGENCY AND DIVISION HEADS.

The City of Lansing Ordains:

Section 1. That Chapter 2 of the Code of Ordinances of Lansing, Michigan be amended by revising Sections 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120, 2-121 to read as follows:

ARTICLE XIII. QUALIFICATIONS OF DEPARTMENT, AGENCY AND DIVISION HEADS

Sec. 2-106. Fire Chief; qualifications.

Training and Experience: The candidate must have completed a college level major (thirty (30) quarter hours or equivalent semester hours) in fire suppression, prevention and administration; the candidate shall also have six (6) years of administrative and supervisory experience as a lieutenant or above in a fire department of a city having a population of seventy-five (75,000) or more. Additionally, the candidate shall have completed sixteen (16) quarter hours in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: The candidate must have knowledge of: fire administration including organization, staffing, financing, equipment management and maintenance, and records and reports; modern fire prevention and inspection methods; modern fire suppression techniques and problems including those involved in industrial, commercial and residential structures and in large fuel fires; the capabilities and limitations of a wide variety of fire-fighting equipment; fire alarm transmission, equipment maintenance and drill procedures. The candidate must possess skill in EACH OF THE FOLLOWING: application of modern fire prevention techniques and methods; application of administrative and management methods and procedures for departmental activities.

The candidate must be able to demonstrate skill in THE FOLLOWING: evaluating the effectiveness of a large fire-fighting organization and in instituting improvements; preparing and reviewing reports; establishing and maintaining satisfactory working relationships with subordinates, other officials and the public; addressing an audience effectively.

Sec. 2-107. Director of Finance, Qualifications.

Training and experience: BACHELOR'S degree in business administration, public administration or a related field. Five (5) years of experience in performing municipal finance management including three (3) years experience at a supervisory level in the area of financial management. Additionally, the candidate shall have completed sixteen (16) quarter hours of

equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Considerable Knowledge: legislation and practices related to city budget programs, taxation, investments and recording procedures; the practice and principles of effective management. Comprehensive knowledge of the theory and practices of government finance. Considerable skill in: planning and directing the work of others; in establishing effective working relationships with others and in communicating with taxpayers, community groups, and other governmental officials. Comprehensive skill in: directing governmental finance related activities; planning and directing functions relating to governmental finance, assessment, recording, and related operations. Considerable skill in EACH OF THE FOLLOWING: coordinating and directing diverse functions toward a single purpose; preparing complex reports, budgets and presentations; considerable knowledge and skill in the use and application of computer assisted financial management and accounting systems.

Sec. 2-108. Assessor; qualifications.

Training and experience: Bachelor's degree in public administration, business administration or related field, a State of Michigan Level IV Assessor's Certificate and five (5) years experience in public assessment, including three (3) years at the supervisory level and including experience defending assessments before the small claims and full Michigan Tax Tribunal. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Comprehensive knowledge of: appraisal methods and techniques; Michigan property tax laws; the theory and practice property assessments. Considerable knowledge of: real estate terminology and instruments of transfer; building materials, practices and terminology; the application and use of computer assisted assessment programs. Considerable skill in: planning and supervising the work of employees; preparing budgets. Comprehensive skill in interpreting legislation, evaluating ratio studies, and communicating assessment policies and practices to taxpayers, local officials, and the general public.

Sec. 2-109. Treasurer; qualifications.

Training and experience: Bachelor's degree in business administration, accounting or related field and five (5) years of employment experience in a government fiscal agency, including two (2) years at the supervisory level. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be

substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

KNOWLEDGE AND SKILLS: CONSIDERABLE KNOWLEDGE OF THE FOLLOWING: THEORY AND PRACTICES OF GOVERNMENT FINANCE: FEDERAL, STATE AND MUNICIPAL TAX LAWS AND PROVISIONS PERTAINING TO THE ADMINISTRATION OF CITY FUNDS: THE APPLICATION AND USE OF COMPUTER ASSISTED TAX ACCOUNTING PROGRAMS. GOOD KNOWLEDGE OF THE FOLLOWING: MODERN OFFICE, BANKING AND COLLECTION PRACTICES AND PROCEDURES: OPERATIONS AND PROCEDURES OF VARIOUS CITY AGENCIES.

Sec. 2-110. City Attorney; qualifications.

Training and experience: Graduation from an accredited school of law and four (4) years of professional legal experience; including at least one year of practice of municipal law. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Licenses and certificates: Admission to the bar of the State of Michigan.

Knowledge and skills: Comprehensive knowledge of City Code and Charter Provisions and general city and state law, with particular reference to municipal legal provisions and municipal law. Considerable knowledge of: established precedents and sources of legal reference; judicial procedures and rules of evidence. Good knowledge of the organization, functions and legal limitations on the authority of the various city departments. Demonstrated ability in the preparation of clear, concise and well-reasoned legal opinions. Considerable skill in: determining whether a legal or administrative approach will best resolve a city problem; organizing, and interpreting and applying legal principles and knowledge to complex legal problems; supervising the preparation and trial of important cases and in presenting material clearly; dealing effectively with persons considering litigation against the city; the conduct of legal research and analysis of data; the determination of proper courses of action and presentation of facts and arguments. The candidate should also have experience and working skill in planning and supervising the work of personnel.

Sec. 2-111. Director of parks and recreation; qualifications.

Training and experience: DEGREE in recreational administration, public administration or related fields and six (6) years experience in supervising field operations in park, forestry or recreation services. Additionally, the candidate shall have completed sixteen (16) quarter hours of equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for up to eight (8)

quarter hours of the required supervisory management course work.

Knowledge and skills: Comprehensive knowledge of principles and practices of municipal park, recreation, cemetery and forestry operation management. Comprehensive skill in: supervising and coordinating staff that has diverse skills and educational backgrounds; preparing budgets and financial reports; preparing technical reports; planning and directing parks and recreation systems.

Sec. 2-112. Director of planning and municipal development; qualifications.

Training and experience: BACHELOR'S degree in URBAN PLANNING public administration, business administration or related field and five (5) years of professional management experience in positions of increasing responsibility, two (2) years of which must have been with a state or local governmental agency. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Comprehensive knowledge of: principles and practices of organizational development, community planning and public management as applied to municipal development; state and local legislation codes and ordinance enforcement as related to city planning; Considerable knowledge of: the principles of building construction and real estate development; research methods and techniques and application and utilization in the data processing field; Some knowledge of marketing practices. Considerable skill in: expressing one's self clearly and concisely, orally and in writing; establishing and maintaining effective relationships with contractors, developers and diverse citizen groups. Comprehensive skill in: PLANNING, SCHEDULING AND DIRECTING THE WORK OF PROFESSIONAL PERSONNEL, planning and administering long-and-short-range programs for effective municipal development. Considerable skill in federal, state and local law interpretation.

Sec. 2-113. Chief of Police; qualifications.

Training and experience: Bachelor's degree in criminal justice, business administration, social science or equivalent area and ten (10) years of experience as a police officer, one of which must have been at a level equivalent to duty police chief or higher. Additionally, the candidate shall have completed sixteen (16) quarter hours of equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Comprehensive knowledge of principles, practices and methods of local police administration, organization and operation, including crime prevention. Considerable knowledge of: the operating procedures of police departments and limitations upon departmental authority; municipal,

county, state and federal criminal and related laws, ordinances and codes. Comprehensive skill in: application of modern law enforcement principles and practices; the analysis of the community's law enforcement needs and developing and implementing plans to satisfy the community's needs; planning, organizing, assigning, coordinating, supervising and inspecting the work of varied police divisions; establishing and maintaining effective working relationships with other public officials, department members and general public; analyzing police problems and developing plans, programs and policies to resolve them.

Sec. 2-114. Director of Public Service; Qualifications

Training and experience: Bachelor's degree in civil engineering; ten (10) years of professional civil engineering experience, including five (5) years at the supervisory level. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Licenses and certificates: Registered civil engineer in the State of Michigan.

Knowledge and skills: Comprehensive knowledge of: principles and practices of civil, structural, hydraulic and utility engineering as applied to the preparation of plans, designs, and estimates and reports of public works engineering; field engineering, including surveying, inspection, construction and maintenance methods and the use of appropriate materials and equipment; state and local codes and ordinances relative to civil engineering and construction work; the design requirements for various improvements and structures such as streets, storm drains, sewers and reinforced concrete structures. Comprehensive skill in: preparing clear and comprehensive technical reports and evaluations of engineering problems; representing the city with engineering groups and public works contractors. Comprehensive skill and knowledge in planning scheduling and effectively directing the work of personnel.

Sec. 2-115. Director of purchasing; qualifications.

Training and experience: Bachelor's degree in business administration, accounting or related field and five (5) years of purchasing experience including two (2) years with a governmental agency at a supervisory level. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for the supervisory experience and up to eight (8) quarter hours of the required supervisor management course work.

Knowledge and skill: Comprehensive knowledge of government purchasing practices. Considerable knowledge of: federal, state and local legislation applicable to city purchasing procedures; the operations and procedures of various city departments and their related purchasing needs; economic market trends as they

relate to purchasing of goods and supplies. Comprehensive skill in directing the purchasing activities of a municipality to maintain a favorable cost/quality ratio of equipment, materials, supplies and services. Considerable skill in: budget preparation; supervising personnel; establishing and maintaining effective relations with vendors, officials and the public; reading and understanding contracts and specifications.

Sec. 2-116. Director of emergency services; qualifications.

Training and experience: ASSOCIATE'S DEGREE IN CRIMINAL JUSTICE OR FIRE SCIENCE WITH AT LEAST THREE (3) YEARS EXPERIENCE IN EMERGENCY PREPAREDNESS PROGRAM MANAGEMENT. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Considerable knowledge of: the principles and practices of effective emergency preparedness programming; federal, state and local emergency preparedness legislation, guidelines, funding sources, and program assistance resources. Considerable skill and experience in coordinating emergency preparedness planning activities and, in times of emergency, in directing others in responding to needs for saving lives and property. Considerable skill in: establishing and maintaining effective working relationships with government officials, volunteers and the public; preparing program narratives and applications and assisting others in doing so; exercising good judgment in appraising emergency situations and making decisions; directing a major civil defense program; establishing and maintaining effective relationships with officials, volunteers and the public.

Sec. 2-117. Director of human relations; qualifications.

Training and experience: Bachelor's degree in social work, sociology, psychology or a related field and five (5) years experience in human relations including two (2) years in a supervisory position. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Considerable knowledge of: affirmative action programs; civil rights and equal opportunity issues. Comprehensive knowledge of budgetary procedures. Considerable skill in: directing and serving on committees, PARTICULARLY THOSE RELATED TO HUMAN RELATIONS; supervising others; speaking to the general public on issues involving human relations.

Sec. 2-118. Director of personnel and TRAINING; qualifications.

Training and experience: BACHELOR'S degree in psychology, public personnel administration, labor and industrial relations or related field and six (6) years of professional personnel management experience, three (3) of which must have been with a state or local government agency. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Comprehensive knowledge of: standard principles, practices, methods and techniques of public personnel administration; ANALYSIS OF DEPARTMENTAL PERSONNEL REQUIREMENTS AND STRUCTURING OF REQUIRED PROGRAMS. Considerable knowledge of: local government organization and its department operating requirements; recent developments, current literature and sources of information in public personnel management. Considerable skill in: expressing oneself clearly and concisely, orally and in writing; establishing and maintaining effective working relationships with city officials and personnel. Considerable KNOWLEDGE OF AND EXPERIENCE IN: COLLECTIVE BARGAINING AND LABOR CONTRACT ADMINISTRATION; administering state and federal public employment programs; administering and evaluating personnel testing and evaluation procedures.

Sec. 2-119. Director of administrative services; qualifications.

Training and experience: Bachelor's degree in public or business administration or related field and five (5) years supervisory level experience in administering diverse projects and operations simultaneously. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) hours of the required supervisory management course work.

Knowledge and skills: Comprehensive knowledge of the principles and practices of public administration. Considerable knowledge of: programs for vehicle maintenance, property management, data processing, warehousing and printing functions. Considerable knowledge of municipal government operations. Comprehensive skill in: planning, coordinating, effectively directing and evaluating the work of personnel with diverse skills, experience and background; the application of sound principles of management to complex and diverse problems; budget preparation; communicating verbally and in writing; COMPREHENSIVE SKILL IN ANALYZING DATA AND FORMULATING WORK PROGRAMS DESIGNED TO GAIN MAXIMUM EFFICIENCY OF ADMINISTRATIVE SERVICE DELIVERY.

Sec. 2-120. Human Resources Director; qualifications.

Training and experience: Bachelor's degree in

public or business administration, social science, city or regional planning, or related field, and five (5) years of experience in community development, three (3) years of which must have been at the supervisory level. Additionally, the candidate shall have completed sixteen (16) quarter hours or equivalent semester hours of college level course work in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight (8) quarter hours of the required supervisory management course work.

Knowledge and skills: Considerable skill in: analyzing and compiling technical and statistical information related to the social sciences and in scheduling and evaluating the work of personnel; determining the city's human services requirements; considerable skill in establishing and maintaining effective relationships with city officials, other government agencies and the public. Working SKILL in: coordinating and work of various departments relating to human resources development; in presenting technical information clearly and concisely; planning and preparing human services programs and budgets.

Sec. 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Sec. 3. This ordinance shall take effect 30 days from the date of passage.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of sections 2-10 through 2-15, inclusive, of Chapter 2 of the Code of Ordinances and declaring the same to be null and void and of no effect for the purpose of dissolving the Civic Center Advisory Board be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections 2-10 through 2-15, inclusive, of Chapter 2 of the Code of Ordinances and declaring the same to be null and void and of no effect for the purpose of dissolving the Civic Center Advisory Board be now passed.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 732

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF SECTIONS 2-10 THROUGH 2-15, INCLUSIVE, OF CHAPTER 2 OF THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

The City of Lansing Ordains:

Section 1. That Sections 2-10 through 2-15, inclusive, of chapter 2 of the Code of Ordinances, City of Lansing, Michigan are hereby repealed and declared null and void and of no effect.

Section 2. This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing,

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by adding a new section 2-122 to Chapter 2, for the purpose of establishing the qualifications for the Director of Labor Relations, be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing,

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by adding a new section 2-122 to Chapter 2, for the purpose of establishing the qualifications for the Director of Labor Relations be now passed.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: Councilmember Blair—(1).

ABSENT: None.

ORDINANCE NO. 733

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT CHAPTER 2 BE AMENDED BY ADDING A NEW SECTION 2-122 FOR THE PURPOSE OF PROVIDING QUALIFICATIONS FOR THE DIRECTOR OF LABOR RELATIONS.

The City of Lansing Ordains:

Section 1. That Chapter 2 of the Code of Ordinances of Lansing, Michigan be amended by adding a new Section 2-122 to read as follows:

Sec. 2-122. DIRECTOR OF LABOR RELATIONS; QUALIFICATIONS.

EDUCATION AND EXPERIENCE REQUIREMENTS: BACHELOR'S DEGREE AND EIGHT (8) YEARS OF PROGRESSIVELY RESPONSIBLE FULL TIME EXPERIENCE IN THE FIELD OF LABOR RELATIONS AND/OR LABOR LAW INCLUDING SERVING AS CHIEF SPOKESPERSON FOR CONTRACT NEGOTIATIONS AND PREPARING AND PRESENTING ARBITRATION CASES FOR POLICE AND FIRE EMPLOYEES. COMPLETION OF SIXTEEN (16) QUARTER HOURS OR EQUIVALENT SEMESTER HOURS OF COLLEGE LEVEL COURSE WORK IN SUPERVISORY MANAGEMENT. MANAGERIAL LEVEL WORK EXPERIENCE MAY BE SUBSTITUTED FOR A PORTION OF THE REQUIRED SUPERVISORY MANAGEMENT COURSEWORK.

REQUIRED KNOWLEDGE AND SKILLS: COMPREHENSIVE KNOWLEDGE OF LABOR RELATIONS INCLUDING GRIEVANCE ARBITRATION, COLLECTIVE BARGAINING PERSONNEL PRACTICES AND ADMINISTRATION, MICHIGAN PUBLIC SECTOR LABOR RELATIONS RULES, REGULATIONS, PRINCIPLES AND PRACTICES THAT PERTAIN TO POLICE AND FIRE EMPLOYEES. CONSIDERABLE SKILL IN NEGOTIATING AND WORKING EFFECTIVELY WITH EMPLOYEE REPRESENTATIVES IN ALL FACETS OF LABOR MATTERS INCLUDING GRIEVANCES RESOLUTION AND COLLECTIVE BARGAINING; COMMUNICATING WITH PUBLIC OFFICERS, CITY OFFICIALS, AND MANAGEMENT REPRESENTATIVES REGARDING LABOR RELATIONS ISSUES; DRAFTING AND REVIEWING REPORTS, PROPOSALS, AGREEMENTS AND OTHER DOCUMENTS AS NECESSARY TO ADMINISTER THE TERMS AND CONDITIONS OF COLLECTIVE BARGAINING AGREEMENTS.

Sec. 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Sec. 3. This ordinance shall take effect 30 days from the date of passage.

By COUNCILMEMBER CREAMER—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by providing for the rezoning of property located in the City of Lansing, Michigan and for the revision of the district maps adopted by Section 36-6 of the Code for property located at:

Z-27-86—1217 West Oakland Ave. to be rezoned from "DM-4" Residential District to "D-1" Professional Office District.

and recommended that the ordinance be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-27-86 — 1217 W. Oakland Avenue to be rezoned from "DM-4" Residential District to "D-1" Professional Office District be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing,

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of real property located in City of Lansing, Michigan, and for the revision of the district maps adopted by Section 36-6 of the Code for property located at Z-27-86—1217 W. Oakland Ave. to be rezoned from "DM-4" Residential District to "D-1" Professional Office District be now passed.

ORDINANCE NO. 2203

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 36-6 OF THE CODE OF ORDINANCES.

The City of Lansing Ordains:

Section 1. That the district maps adopted by and incorporated as Section 36-6 of the Code of Ordinances of the City of Lansing, Michigan, be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-27-86, 1217 West Oakland Avenue

Parcel Number: 3301-08-458-052

Legal Description: Lot 105, Oakdale Addition, City of Lansing, Ingham County, Michigan.

From "DM-4" Residential District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30)

days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBERS WORTHINGTON,
BLAIR AND ADADO—

Resolved by the City Council of the City of Lansing

That the rules of Council be waived for the purpose of presenting items that are not listed on the agenda.

Carried.

By COMMITTEE ON PUBLIC SAFETY AND
PROPERTIES—

RESOLUTION #0517

Whereas, the existing parking regulations and parking enforcement at the intersection of East Grand River Avenue and Center Street have not effectively deterred illegal parking;

Now, therefore, be it resolved the Lansing City Council hereby established a special parking zone with a \$25.00 fine pursuant to section 31-49.1 of the Traffic Code at the following locations:

- 1) On the north side of East Grand River from 88 feet east of Center Street to 60 feet west of Center street.
- 2) One the east side of Center Street from East Grand River Avenue to 48 feet north of East Grand River Avenue.
- 3) On the west side of Center Street from East Grand River Avenue to 70 feet north of East Grand River Avenue.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan providing that the Code of Ordinances be amended by:

Repeal of Section 4-6 and 4-10 of Chapter 4 of the Code of Ordinances of Lansing, Michigan, for the purpose of updating and revising ordinance provisions pertaining to offenses.

Repeal of Section 16-2 of Chapter 16 of the Code of Ordinances, City of Lansing, Michigan, for the purpose of updating and revising the Ordinance provisions pertaining to Offenses.

Repeal of Chapter 21 containing Sections numbered 21-1 through 21-24, inclusive, for the purpose of updating and revising ordinance provisions pertaining to offenses.

Repeal of Chapter 23 containing Sections numbered 23-1 through 23-32, inclusive, for the purpose of updating and revising ordinance provisions pertaining to offenses.

Repeal of Chapter 24 containing sections numbered 24-1 through 24-68 inclusive, for the purpose of updating and revising ordinance provisions pertaining to offenses.

Repeal of Chapter 26A containing sections numbered 26A-1 through 26A-16 inclusive, for the purpose of updating and revising ordinance provisions pertaining to offenses.

were introduced by Councilmember Worthington read a first and second time by their titles and,

Referred to the Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0518

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November 24, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the ordinances:

Repeal of Section 4-6 and 4-10 of Chapter 4 of the Code for the purpose of updating and revising ordinances provisions pertaining to Offenses.

Repeal of Section 16-2 of Chapter 16 of the Code for the purpose of updating and revising the ordinances provisions pertaining to Offenses.

Repeal of Chapter 21 containing Sections numbered 21-1 through 21-24 inclusive, for the purpose of updating and revising ordinance provisions pertaining to offenses.

Repeal of Chapter 23 containing sections numbered 23-1 through 23-32 inclusive for the purpose of updating and revising ordinance provisions pertaining to offenses.

Repeal of Chapter 24 containing sections numbered 24-1 through 24-68 inclusive for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Repeal of Chapter 26A containing sections numbered 26A-1 through 26A-16 inclusive, for the purpose of updating and revising ordinance provisions pertaining to offenses.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The following ordinance of the City of Lansing,

Michigan providing that the Code of Ordinance be amended by:

Revising Section 2-1 of Chapter 2 for the purpose of re-organizing City Labor relations functions under the Department of Personnel and Training.

was introduced by Councilmember Adado, read a first and second time.

By COUNCILMEMBER ADADO—

RESOLUTION #0519

Resolved the the City Council of the City of Lansing:

That a public hearing be set for Monday, November 17, 1986 at 7:00 p.m. in the 10th Floor Chambers of City Council for the purpose of opposing and/or approving the ordinance providing that the code be amended by Revising Section 2-1 of Chapter 2 for the purpose of re-organizing City Labor Relations functions under the Department of Personnel and Training.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, and Worthington—(7).

NAYS: Councilmember Schmidt—(1).

ABSENT: None.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

Mr. Boyd gave the changes for the parade route for Armistice Day.

REMARKS BY THE CITY COUNCIL

Councilmember Schmidt thanked voters for their support of the bond issue for streets.

Councilmember Creamer spoke regarding Drug Paraphernalia Ordinance.

Councilmember Lindemann spoke regarding Drug Paraphernalia Ordinance.

Councilmember Blair thanked City Clerk and Staff for good work on Election Day.

Councilmember Adado congratulated Everett High School on their accomplishment in Football.

Councilmember Belen asked City Attorney to check on Adult Bookstore licensing.

REMARKS BY THE AUDIENCE

Richard Fiser, 1909 E. Willard spoke regarding work in area not being finished and problems of turning electricity off during inspection of new pumping station.

Brenda Narazo, 818 Baker St. spoke of the malfunctioning railroad crossing signals beside her house.

Jay Whitney, 901 Bates St. spoke in support of the Embassy Suites Hotel.

Beverly Miller, North Lansing Community Assoc., asked about the Consumers Power Credit Union buying property to tear down for a new building.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned:

Carried.

Council adjourned at 9:45 p.m.

RITA M. BAUMAN
City Clerk

Lansing, Michigan

November 10, 1986

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, November 13, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

November 13, 1986

The City Council of the City of Lansing, Michigan, met in special session and was called to order by Vice President Schmidt.

Present: Councilmembers Adado, Belen, Blair, Lindemann, Schmidt, Worthington—(6).

Absent: Councilmembers Benavides and Creamer—(2).

The Clerk announced that a quorum of the Council was present.

The City Clerk announced that signed receipts as to proof of service on each Councilmember and the State Journal and the Mayor are on file in the City Clerk's Office.

In compliance with the Open Meetings Act of 1976 the Special Meeting Notice is also attached.

This notice has been posted in the City Hall Lobby, Front and Back Doors of the City Hall, 10th floor Bulletin Board and the 9th floor Bulletin Board.

By COMMITTEE OF THE WHOLE—

RESOLUTION TO AUTHORIZE THE ISSUANCE OF CONSOLIDATED TAX ANTICIPATION NOTES IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$33,000,000.

Whereas, general ad valorem real and personal property taxes are imposed and levied on property located in the City of Lansing (the "City") by the Lansing School District, the Ingham Intermediate School District, Holt Public Schools, the School District of the City of East Lansing, the Capital Area Transportation Authority, the County of Ingham and the County of Eaton (the "Units") on December 1 of each year; and

Whereas, the City acts as the local property tax collection unit for the Units; and

Whereas, in order to significantly improve the cash flow of the Units and to allow the Units to exercise better fiscal control, it is necessary and desirable for the City to issue consolidated tax anticipation notes in

anticipation of part of the real and personal property taxes of the Units levied on December 1, 1986 on property located within the boundaries of the City in accordance with the provisions of Section 3b of Chapter IV of Act No. 202, Public Acts of Michigan, 1943, as amended (the "Act"); and

Whereas, each of the Units has consented or is expected to consent to the issuance of the requested the City to issue the consolidated tax anticipation notes by separate resolutions and each has authorized a separate tax levy agreement with the City with respect to the issuance of the consolidated tax anticipation notes on behalf of the City and the Units and the collection and disposition of taxes levied on December 1, 1986; and

Whereas, Sections 3b of Chapter IV of Act 202 of the Public Acts of Michigan, 1943, as amended (the "Act") authorized the City to issue such consolidated tax anticipation notes after the units have consented to the issuance of such notes; and

Whereas, it is accordingly necessary and appropriate for the City to issue its consolidated tax anticipation notes; and

Whereas, no other notes have been issued in anticipation of the taxes in anticipation of which the consolidated tax anticipation notes are being issued;

Whereas, November 13, 1986, 2:00 o'clock p.m., Eastern Standard Time, has been set as the date and time for opening bids for the purchase of such notes;

And Whereas, said bids have been publicly opened and read;

And Whereas, the bids attached on Exhibit A hereto have been received;

And Whereas, the bid designated on Exhibit A as the "Low Bid" has been determined to produce the lowest interest cost to the City.

Now, Therefore, be It Resolved by the City Council of the City of Lansing:

1. AUTHORIZATION OF NOTES. Notes of the City of Lansing, aggregating the principal sum of not to exceed Thirty Three Million Dollars (\$33,000,000), shall be issued and sold pursuant to the provisions of Section 3b of Chapter IV of the Act and other applicable statutory provisions. In the event a determination is made that the real or personal property taxes which are the subject of the Notes are less than

originally estimated the Controller be and is hereby directed to reduce the principal amount of the Notes.

2. **NOTE DETAILS.** The notes shall be designated "Consolidated Tax Anticipation Notes, Series 1986-II"; shall be dated as of the date of their delivery to the purchasers thereof; shall be bearer notes without coupons; shall be in the denomination of \$25,000 each; shall be numbered in consecutive order of authentication from R-1 upwards; shall mature November 17, 1987; and shall bear interest payable at maturity of the notes at a rate or rates not to exceed six percent (6%) per annum. Interest shall be computed on the basis of a 30-day month, 360-day year and the actual number of days elapsed.

3. **PAYMENT OF PRINCIPAL AND INTEREST.** The Principal of and interest on the notes shall be payable in lawful money of the United States, in immediately available funds, upon presentation and surrender of the notes to the authenticating agent and paying agent of maturity.

4. **AUTHENTICATING AGENT AND PAYING AGENT.** Manufacturers National Bank of Detroit, Detroit, Michigan, is hereby designated as the authenticating agent and paying agent for the notes. The City Controller may from time to time as required designate a successor authenticating agent and paying agent.

5. **EXECUTION, AUTHENTICATION AND DELIVERY OF NOTES.** The notes shall be executed in the name of the City by the facsimile signautres of the Mayor and the City Clerk and authenticated by the manual signature of an authorized signatory of the authenticating agent, and a facsimile of the seal of the City shall be imprinted on the notes. After the notes have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the City Controller to the purchaser upon receipt of the purchase price.

6. **AWARD OF NOTES.** The low bid as shown on Exhibit A as below stated, is hereby accepted. Checks of the successful bidders shall be returned to each bidder's representative or by registered mail.

7. **FORM OF NOTES.** The notes shall be in substantially the following form subject to such changes as shall be approved by the Controller:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON
CITY OF LANSING
CONSOLIDATED TAX ANTICIPATION NOTE,
SERIES 1986-II**

INTEREST RATE:

EXHIBIT A

Bidder	Interest Rate	Premium or Discount	Average Interest Rate	Net Interest Cost
***National Bank of Detroit, Security Pacific National Bank, First of Michigan, and Thomson McKinnon Securities, Inc.	4.25%	\$19,140 discount	4.30816%	\$1,417,744.17
Morgan Stanley & Co., Manufacturers Hanover, and Chase Manhattan Bank	4.5%	\$52,000 premium	4.3419%	\$1,428,875.00
Ehrlich-Boder & Co., Inc.	4.5%	\$40,000 premium	4.37845%	\$1,440,875.00
Prudential Bache	4.70%	\$91,585 premium	4.42169%	\$1,455,106.67
Citicorp Investment Bank	4.75%	\$66,001 premium	4.5494%	\$1,497,144.83
Northern Trust Bank and Trust Company, Comerica, Comerica Bank, Shawmut Bank of Boston, Blunt-Ellis & Loewi Connecticut Bank & Trust	4.75%	\$50,490 premium	4.5965%	\$1,512,655.83
Shearson Lehman Brothers	5.0%	\$78,540 premium	4.761%	\$1,566,876.67

The following bid was rejected because it did not meet bid specifications:

Merrill Lynch Capital Markets	4.25%	\$36,199.16 discount	4.36%	\$1,434,803.33
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***Low Bid

MATURITY DATE: November 17, 1987

DATE OF ORIGINAL ISSUE: November 18, 1986

Principal Amount: \$25,000

The City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself indebted to, and for value received, hereby promises to pay to the Bearer of this note the Principal Amount set forth above and interest thereon at the Interest Rate specified above on the maturity date specified above, upon presentation and surrender of this note at the principal office of Manufacturers National Bank of Detroit, Detroit, Michigan, the authenticating agent and paying agent, or its successor. Principal and interest are payable in lawful money of the United States of America in immediately available funds.

This note is one of a series of notes aggregating the principal sum of Thirty Three Million Dollars (\$33,000,000) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Section 3b of Chapter IV of Act No. 202, Public Acts of 1943, as amended), a preliminary note authorizing resolution and a note authorizing resolution adopted by the City Council of the City (collectively the "Resolution"). The proceeds of the notes are to be used to make payments to various taxing units levying ad valorem taxes on taxable property located within the boundaries of the City of Lansing in amounts equal to their respective shares of the proceeds of the notes.

For the payment of the principal of and interest on this note, the City has pledged all amounts in its 1986-II Note Payment Fund (as defined in the Resolution). In addition, the City has pledged its limited tax full faith and credit therefor. Should the funds pledged for payment of the principal of and interest on the notes of this series be insufficient therefor, the City shall pay such principal and interest as a first budget obligation from its general funds, including the levy of ad valorem taxes on all taxable property in the City, subject to charter, statutory and constitutional limitations. The City does not have the authority to levy taxes for payment of the principal of and interest on the notes in excess of its charter, statutory or constitutional limitations.

The notes are not subject to redemption prior to maturity.

It is hereby certified, recited and declared that all performed precedent to and in the issuance of the notes of this series, existed, and happened and have been performed in due time, form and manner as required by the Constitution and laws of the State of Michigan.

IN WITNESS WHEREOF, the City of Lansing, Counties of Ingham and Eaton, Michigan, has caused this note to be executed in its name by facsimile signatures of its Mayor and City Clerk and a facsimile of its corporate seal to be imprinted hereon. This note shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the authenticating agent.

CITY OF LANSING

(SEAL)

By: [facsimile]
City Clerk

By: [facsimile]
Mayor

CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within mentioned Resolution.

MANUFACTURERS NATIONAL BANK OF
DETROIT

As Authenticating Agent and Paying Agent

By: _____
Authorized Signatory

8. NOTE PAYMENT FUND. There is hereby established with a bank or savings institution to be selected by the City Controller an account designated the 1986-II Note Payment Fund into which the City Controller shall deposit as received all taxes collected on behalf of the Units on and after December 1, 1986 up to the amount of each Unit's share of the note proceeds plus all interest and penalties applicable thereto, less amounts received by the City for the Unites through December 8, 1986 up to a maximum of \$825,500, and any interest earnings thereon in accordance with the Tax Levy Agreements dated as of November 1, 1986, between the City and the Units (the "Tax Levy Agreements"). The City Controller also shall deposit in the 1986-II Note Payment Fund all other amounts received by the City pursuant to the Tax Levy Agreements, all investment earnings on all moneys deposited in the 1986-II Note Payment Fund, any premium paid on the Notes, and all moneys required to be deposited pursuant to Section 10. The City hereby pledges all moneys and funds deposited in the 1986-II Note Payments Fund for the payment of the principal of and interest on the notes as the same shall become due and payable. The principal of and interest on the notes shall be paid at maturity using any moneys in the 1986 Note Payment Fund. Until the principal of and interest on the notes have been paid in full, the 1986-II Note Payment Fund shall be used for no other purpose. All amounts remaining in the 1986-II Note Payment Fund after the principal of and interest on the notes have been paid in full, and all expenses incurred in connection with the issuance of the notes have been paid in full, shall be transferred to the general fund of the City.

9. FULL FAITH AND CREDIT OF CITY. The Notes shall be limited tax general obligations of the City, and the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the notes. The City covenants that if the amounts on deposit in the 1986-II Note Payment Fund are not sufficient to pay the principal of and interest on the notes when due at maturity, the City will promptly advance from its general fund moneys, including the proceeds of a tax levied therefor on all taxable property within the boundaries of the City, within constitutional, statutory and charter limitations, which, when added to the amount on deposit in the 1986-II Note Payment Fund, will enable the payment of such principal and interest.

10. NOTE PROCEEDS FUND. There is hereby established an account designated the 1986-II Note Proceeds Fund into which the City Controller shall deposit the proceeds of the notes. The City Controller shall pay to the Units their respective shares of the proceeds of the notes in accordance with the Agree-

ments, Any amounts remaining in the 1986-II Note Proceeds Fund after the Units have been paid their respective shares of the proceeds of the notes shall be transferred to the 1986-II Note Payment Fund; provided, however, that amounts remaining in the 1986-II Note Proceeds Fund representing investment earnings may first be used to pay the costs of issuance of the Notes to the extent expenses are not paid pursuant to Section 13 hereof. The City Controller shall determine each Unit's share of the proceeds of the notes in accordance with the Tax Levy Agreements.

11. INVESTMENT OF MONEYS. The City Controller is hereby authorized to invest all moneys in the 1986-II Note Payment Fund and the 1986-II Note Proceeds Fund in investments which are authorized as lawful investments for cities in accordance with applicable state law subject to the provisions of any agreements applicable to the investment of such moneys. The City Controller is hereby authorized to negotiate and enter into on behalf of the City an investment agreement with a bank, corporation, insurance company, broker-dealer or other appropriate entity selected by the City Controller to provide for the investment and custody of moneys in said funds.

12. APPROVAL OF TAX LEVY AGREEMENTS. There have been presented to this Council the forms of Tax Levy Agreements between the City and the Units. The Mayor and the City Clerk are hereby authorized to execute any or all of such Tax Levy Agreements on behalf of the City and are further authorized to approve any changes, corrections, additions, deletions or other revisions to said Tax Levy Agreements as in their judgment shall be appropriate or necessary to effect the issuance of the notes. Execution of any agreement shall be deemed to constitute the approval of any such change, correction, addition, deletion or other revision. Copies of the Tax Levy Agreements which have been presented to this Council shall be identified as such and placed on file with the City Clerk.

13. PAYMENT OF EXPENSES. In the event of insufficiency of investment earnings as provided in Section 10 hereof the City Controller is hereby authorized and directed to pay all of the expenses of the issuance of the notes, from the general funds of the City. The amount of the expenses so paid shall be reimbursed from the 1986-II Note Payment Fund after payment of the principal of and interest on the notes.

14. OFFICIAL STATEMENT. The actions of the City Controller and the Mayor of preparing, executing and distributing on behalf of the City an official statement with respect to the marketing, offering and sale of the notes are hereby ratified and confirmed.

15. NOTICE OF SALE. The actions of the City Controller of providing for the preparation and publication of the Notice of Sale for the Notes in substantially the following form are hereby approved and ratified:

OFFICIAL NOTICE OF SALE

**\$33,000,000
CITY OF LANSING
COUNTIES OF INGHAM AND EATON,
STATE OF MICHIGAN
CONSOLIDATED TAX ANTICIPATION NOTES
SERIES 1986-II**

SEALED BIDS: for the purchase of the above notes will be received by the undersigned at the office of the Mayor in the City Hall located at 124 West Michigan Avenue, Lansing, Michigan 48933, on Thursday, the 13th day of November, 1986, until 2:00 o'clock p.m., Eastern Standard Time, at which time and place said bids will be publicly opened and read. Bids will also be received simultaneously and publicly opened and read at the Municipal Advisory Council, 1158 First National Building, Detroit, Michigan 48226. The bids will be considered by the City Council at a meeting to be held at 4:00 p.m. on that date.

NOTE DETAILS: The notes will be bearer notes of the denomination of \$25,000 each, dated November 18, 1986, and will mature on November 17, 1987 and bear interest at a rate not exceeding 6% per annum fixed by the bids therefor. Interest on the notes will be payable at maturity. Notes of this issue will not be subject to redemption prior to maturity.

PAYMENT OF PRINCIPAL AND INTEREST: The notes will be issued in bearer form. After issuance, the notes may not be exchanged. Manufacturers National Bank of Detroit, Detroit, Michigan, will serve as authenticating agent and paying agent. Principal and interest on each Note will be payable at maturity upon surrender of the note to the paying agent.

PURPOSE AND SECURITY: The notes are to be issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Section 3b of Chapter IV of Act No. 202, Public Acts of 1943, as amended). The proceeds of the notes are to be used to make payments to various taxing units levying ad valorem taxes on taxable property located within the boundaries of the City of Lansing in amounts equal to their respective shares of the proceeds of the notes. For the payment of the principal of and interest on these notes, the City has pledged all taxes collected on behalf of said taxing units up to the amount of each such units' share of the note proceeds. In addition, the City has pledged its limited tax full faith and credit therefor. Should the funds pledged for payment of the principal of and interest on the notes of this series be insufficient therefor, the City shall pay such principal and interest as a first budget obligation from its general funds, including the levy of ad valorem taxes on all taxable property in the City, subject to charter, statutory and constitutional limitations.

GOOD FAITH: A certified or cashier's check in the amount of 1% of the par value of the notes, drawn upon an incorporated bank or trust company and payable to the order of the Treasurer of the City must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the bidder fails to take up and pay for the notes. No interest shall be allowed on good faith check and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail.

AWARD OF NOTES: The notes will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate specified in the bid, the total dollar value of all interest on the notes from November 18, 1986 to their maturity and deducting therefrom any premium or adding any discount. The notes will be awarded to the lowest net interest cost to the City. No bid for less than all of the notes or at a

price less than 99.9% of their par value will be considered.

LEGAL OPINION: Bids shall be conditioned upon the unqualified approving opinion of Miller, Canfield, Paddock and Stone, attorneys of Lansing and Detroit, Michigan, a copy of which opinion will be printed on the reverse side of each note, and the original of which will be furnished without expense to the purchaser of the notes at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone for services rendered in connection with such approving opinion are expected to be paid from not proceeds. Except to the extent necessary to issue their unqualified opinion as to the validity of the above notes Miller, Canfield, Paddock and Stone has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the notes, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF NOTES: The City will furnish notes ready for delivery at its expense. Notes will be delivered without expense to the purchaser at Detroit, Michigan, Chicago, Illinois, or New York, New York or any such other place as shall be mutually agreeable to the City and the Purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the notes, will be delivered at the time of the delivery of the notes. If the notes are not tendered for delivery by twelve o'clock noon, Eastern Standard Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the notes, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned, in which event the City shall promptly return the good faith deposit. Payment for the notes must be made in federal reserve funds.

It is expected that the notes will be delivered by the City on November 18, 1986.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

OFFICIAL STATEMENT: Copies of an Official Statement pertaining to the Notes may be obtained by contacting the Controllers's Office, City of Lansing, 8th Floor City Hall, 124 W. Michigan Avenue, Lansing, Michigan 48933, Attention Stephen Duarte, (517) 483-4500.

ENVELOPES: containing the bids should be plainly marked "Proposal for Consolidated Tax Anticipation Notes".

RITA M. BAUMAN
City Clerk,
City of Lansing, Michigan

16. PARTICIPATION OF UNITS. If one or more of the Units does not request the City to issue notes and approve an Agreement with the City, the Controller or the Deputy City Controller is authorized to make such changes in the agreements and other documents with respect to the issuance of the notes as are necessary to reflect the nonparticipation of such Unit or Units.

17. AMENDMENTS NOT REQUIRING CONSENT OF OWNERS OF NOTES. The City may, without the consent of or notice to any of the owners of the notes, but with the consent of the authenticating agent and the paying agent, and with notice to Standard & Poors Corporation and/or Moody's Investors Service Inc., if the notes are rated by it, adopt one or more supplements to or amendments of this resolution for one or more of the following purposes, to: (i) cure any formal defect, omission, inconsistency or ambiguity in this resolution; (ii) add to the covenants and agreements of the City in this resolution or other covenants or agreements, or to surrender any right or power reserved or conferred upon the city, and which shall adversely affect the interests of the owners of the notes; or (iii) confirm, as further assurance, any pledge of or lien on any moneys, securities or funds securing the notes.

Before any supplemental or amendatory resolution is entered into, there shall have been delivered to the authenticating agent and paying agent and the City and opinion of Note Counsel stating that such supplemental or amendatory resolution is authorized or permitted by the resolution and the laws of the State of Michigan, complies with their respective terms, will, upon its execution and delivery, be valid and binding on the City in accordance with its terms and will not adversely affect the exemption from federal income taxation of interest on the notes.

18. AMENDMENTS REQUIRING CONSENT OF OWNERS OF NOTES. Supplements to or amendments of this resolution other than those described above may be made only by a supplemental or amendatory resolution consented to in writing by the authenticating agent and paying agent and the owners of not less than 51% of the aggregate principal amount of the notes outstanding; and notice of any such amendment shall be given to all parties set forth in Section 21 hereof; provided, however, that no supplemental or amendatory resolution will be permitted which would (a) extend the stated maturity of or time for paying interest on any note or reduce the principal amount of or rate of interest payable on any note without the consent of the owner of such note; (b) prefer or give a priority to any note over and other note; (c) create a claim or lien upon or a pledge of the 1986 Note Payment Fund as security for the notes ranking prior to or on a parity with the claim, lien or pledge in favor of the notes; (d) reduce the percentage of the aggregate principal amount of notes then outstanding the consent of the owners of which is required to authorize such supplement or amendment; in each case without the written consent of the authenticating agent and paying agent and the owners of all notes then outstanding.

19. AMENDMENT OF AGREEMENTS. The investment agreement and the Agreements between the City and the Units may, following delivery of the notes, likewise only be amended or supplemented for the purposes set forth in Sections 17 and 18 above in accordance with the same standards and procedures and with the approvals of the same parties set forth in such Sections.

20. NON-ARBITRAGE COVENANT. Notwithstanding any other provision of this resolution or other resolutions previously adopted, the City covenants with the purchaser of the notes that the City shall not permit at any time or times any of the proceeds of the Notes or any other funds of the City to be

used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the Notes to be an "arbitrage bond" as defined in Section 148(a) of the Internal Revenue Code of 1986 and all rules and regulations relating to such Section. The City further covenants and agrees that (i) it will not take any action or omit to take any action which will have the effect of causing interest on the Notes to become taxable for federal income or state tax purposes, and (ii) it will expend all of the gross proceeds of the Notes within the meaning of Section 148 (f) of the Code prior to the date which is six months after the date of issuance of the Notes.

21. NOTICES. For purposes of notices to be given under this Resolution, the following addresses shall be in effect, unless and until change by notice from the appropriate party to all others listed below:

The City

City of Lansing
124 W. Michigan Avenue
Lansing, Michigan 48933
Attention: Deputy City Controller

The Authenticating Agent and Paying Agent

Manufacturers National Bank of Detroit
100 Renaissance Center
Detroit, Michigan 48243
Attention: Corporate Agencies Administration

Standard & Poor's Corporation

25 Broadway
New York, New York 10004
Attention: Municipal Finance Department

Moody's Investors Service, Inc.

99 Church Street
New York, New York 10003
Attention: Municipal Finance Department

22. PRIOR RESOLUTIONS. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

AYES: Councilmembers Adado, Belen, Blair, Lindemann, Schmidt, Worthington—(6).

NAYS: None.

ABSENT: Councilmembers Benavides and Creamer—(2).

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Eaton and Ingham, Michigan, at a Special meeting held on November 13, 1986 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minute sof said meeting were kept and will be or have been made available as required by said Act.

RITA M. BAUMAN,
City Clerk.

By COUNCILMEMBER LINDEMANN—

Resolved by the City Council of the City of Lansing:

That Councilmember Benavides and Creamer be excused from the session.

Carried.

By COUNCILMEMBER SCHMIDT—

That this meeting stand adjourned.

Carried.

Council adjourned at 3:50 P.M.

RITA M. BAUMAN,
City Clerk.

November 13, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, November 17, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

November 17, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance.

PUBLIC HEARING

November 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Special Land Use -SLU-11-86—1900 S. Cedar St. to be used for research and assemblage of small computer components.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed special land use they will have the privilege of speaking at this time.

Robert Voigt, 311 Riley St., spoke regarding traffic pattern, drainage, safety and screening and buffering for property. Present petitions signed by approximately 100 residents for access to Riley St. to be eliminated.

Dan Ferguson, 2510 Maplewood, representing Maplewood PTA, spoke in regarding to safety of children in the area and presented letters.

George Eyde, of the Eyde Co., petitioner, announced he was here to answer questions regarding the Special Land Use.

Michael Zemer, 2217 Teel Ave., spoke regarding safety of children and streets in area not being able to handle the traffic to be generated by project.

Sixteen residents were acknowledged in the audience in support of speakers and problems needing answers.

Referred to the Committee on Physical Development.

November 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance to revise section 2-1 of Chapter 2 for the purpose of re-organizing City Labor Relations functions under the Department of Personnel and Training.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee of the Whole.

November 17, 1986 at 7:00 P.M. in the City Council Chamber, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the establishment of the boundaries of the Cedar Larch Neighborhood Development Area and Citizen's District Area-legal description as:

Commencing at the intersection of Grand River with Saginaw Street; thence south along the east bank of the Grand River to its intersection with the north right-of-way line of I-496; thence east along the north right-of-way line of I-496 to its intersections with the east section line of Section 16; thence north along the east section line of Section 16 to its intersection with Saginaw Street; thence west to the point of beginning.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed establishing of the development district they will have the privilege of speaking at this time.

George Bleibtrey, owner of B & B Tavern, spoke and asked how this was going to affect property owners in the area.

Gloria Fleming, 2224 Pamela Place, spoke.

Phil Seeley, co-owner of 600 N. Cedar business, volunteered to be on the Citizens District Committee.

Mary Haney, spoke and wanted to serve on CDC.

Patrick Goff, 530 Beech St. spoke regarding project.

Referred to the Committee on Physical Development.

November 17, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the appointment of a Citizen's District Council for the Cedar Larch CDC, legal description as,

Commencing at the intersection of Grand River with Saginaw Street; thence south along the east bank of the Grand River to its intersection with the north right-of-way line of I-496; thence east along the north right-of-way line of I-496 to its intersections with the east section line of Section 16; thence north along the east section line of Section 16 to its intersection with Saginaw Street; thence west to the point of beginning.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed establishing of the development district they will have the privilege of speaking at this time.

(Speakers listed on preceeding public hearing)

Referred to the Committee on Physical Development.

THE PUBLIC MAY ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, FOR 3 MINUTES ON ANY ONE ITEM.

Committee Report #4 was pulled from the agenda.

Resolution 1 and 8A were pulled from the agenda.

No persons spoke.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

PUBLIC DRIVERS—Roberto R. Tirado, Brian Scott Alleman, Terence Dion West.

SIGN ERECTOR—Burkett Signs, Inc.

Referred to the Committee on General Service.

Claims filed by:

a. Gloria Boyer, 307 S. Francis St., for reimbursement of money paid for sewer cleaning due to drainage problem since installation of new storm drains.

b. Dennis Distributing Co., 1601 S. Washington for replacement of brick wall pushed away from store front by city sidewalk plow last winter.

Referred to the City Attorney.

Michigan Liquor Control Commission submits amendment to Knapp's Centre Corp. for a new 12 month Resort Class C license with Dance and Entertainment Permit, 300 S. Washington.

Referred to the City Clerk.

Thank You resolution from the City of Alma officials and residents expressing appreciation for assistance from Lansing in the form of equipment and personnel after the flooding of their city.

Referred to the Mayor.

Petitions received from residents on Northrup St. protesting speeding and traffic violations on their street.

Referred to the Mayor and Committee on Public Safety and Properties.

Continental Cablevision Manager submits letter requesting reappointment of three members to the Cable Advisory Board.

By COUNCILMEMBER BELEN—

I move that we re-appoint Marjorie Allemeier, James Platte and Gordon Bell to the Cable Advisory Board.

Carried.

Letters received regarding the proposed Lansing Uniform Housing Ordinance:

a. Gloria A. Fleming.

b. Cherry Hill Area Development Committee.

Referred to the Committee on General Services.

Letter from Cherry Hill Area Development Committee in support of the "D-2" Residential/Office District amendment to zoning code.

Referred to the Committee on Physical Development.

Dale C. Swihart, Jr. submits request for funding on behalf of the Boys and Girls Club of Lansing.

Referred to the Committee on Ways and Means.

Letter from Lansing 2000 members regarding Consolidated Court Facilities.

Referred to the Mayor and Committee on Ways and Means.

Department of Natural Resources submits Permits re:

a. Removal of an existing steel truss bridge at River St. crossing of the Grand River.

b. Removal of an existing timber bridge in its entirety at a railroad crossing of the Red Cedar River.

Referred to the Mayor and Committee on Public Safety and Properties.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA:

MAYOR McKANE spoke regarding his letters 2a (Proclamation - Mayor's D-Day in the War on Drugs), 2b (Proclamation: presented to Edward L. Remick), Proclamation - "Homeless Awareness Week" presented to Capt. Morrell of the Salvation Army; 2c (Appointment of Ms. Earlene Neal to Elected Officers Compensation Commission); 2d (Appointment of Harlow M. Clagett to Fire Board); 2e (Appointment of Randal M. Kamm to Building Board of Appeals); 2f (Costs to Expand Inspection Program to Include all rental units); 2g (Chestnut St. Clean-up—Final Report); 2h (Update on UDAG Grant Application for Olds Plaza Project); 2i (City Market Leases) and 2j (Foster School Program).

PROCLAMATION

Whereas: Approximately 2.4 million young people, age 12-17, have used marijuana at some time during their lives; 770,000 of these young people have used marijuana in the past month; 1.8 million have used marijuana in the past year; and

Whereas: Roughly two-thirds (61%) of all American young people use an illicit drug at least once before they finish high school, and 40% have used drugs in addition to marijuana; and

Whereas: At least one out of every 20 high school seniors (4.9%) smokes marijuana on a daily basis; and

Whereas: About one in 20 seniors (5.0%) drinks alcohol daily. Approximately 37% have had five or more drinks in a row on at least one occasion in the past two weeks; and

Whereas: Cocaine has been tried by at least 17% of seniors in the class of 1985—the highest rate observed so far; and

Whereas: Approximately 80% of the seniors acknowledge the harmful effects of using cocaine regularly (an increase of 10% since 1979); but only about 34% see much risk in experimenting with it; and

Whereas: These are alarming levels of substance use and abuse by American youth, by historical standards or in comparison with other countries.

Now, Therefore, I, TERRY J. MC KANE, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim Tuesday, November 18, 1986, as:

"MAYOR'S D—DAY IN THE WAR ON DRUGS"

in Lansing, and urge all citizens to join with me in waging war on drugs.

Given under my hand and the Seal of the City of Lansing this fifth day of November in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE
Mayor

Received and Placed on File.

Whereas: EDWARD L. REMICK was born in Red Lake Falls, Minnesota in 1921. His early school days were spent in a one room schoolhouse and Red High School in Red Lake Falls; and

Whereas: He served in the United States Army Air Corps from 1942-1946, stationed in England; and

Whereas: He continued his education, receiving a BA at Bemidji State College, and MA at Colorado State Teachers College, and a PhD at Michigan State University; and

Whereas: Marian became an important part of his life and they were married in 1951. God blessed them with two sons; David and William; and

Whereas: Ed began his teaching career at Everett High School in 1954 and became director of Facility Planning and Administrative Assistant to the Superintendent of the Lansing School District in 1965; and

Whereas: His concern for the community prompted his interest and appointment to the Lansing Planning Board. He served as a member from September, 1971 to October 7, 1986.

Now, Therefore, I, TERRY J. MC KANE, Mayor of the City of Lansing by the power vested in me, do hereby proclaim Tuesday November 18, 1986, as:

"EDWARD L. REMICK DAY"

in Lansing and urge all citizens to join with me in applauding this outstanding individual for the dedicated service he has given to this community and wish him continued success in his retirement years.

Given under my hand and the Seal of the City of Lansing this seventeenth day of November in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. McKANE
Mayor

Whereas: The problem of homelessness has captured the attention of the nation; and

Whereas: These people are visible on the streets of America in the decade of the 80's as they have not been seen since the days of the Great Depression; and

Whereas: The Salvation Army and other organizations concerned about the plight of the homeless, seek to provide hope, help, and dignity to those in need in the Lansing area; and

Whereas: Special emphasis has been planned to draw attention to the homeless during the week of November 16-22, 1986.

Now, Therefore, I, TERRY J. MC KANE, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the week of November 16-22, 1986, as:

"HOMELESS AWARENESS WEEK"

in Lansing and urge all citizens to join with me in honoring the dedicated personnel of the Salvation Army and other Lansing organizations that endeavor to improve conditions for the homeless.

Given under my hand and the Seal of the City of Lansing this fourteenth day of November in the year of Our Lord on thousand nine hundred and eight-six.

TERRY J. McKANE
Mayor

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Public Driver—Roberto R. Tirado, Brian Scott Alleman, Terence Dion West.

Sign Erector—Burkett Signs, Inc.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the Mayor's recommendation to establish several new positions in the Wastewater Treatment Plant,

Reports As Follows: The \$50 million expansion and rehabilitation project for the Wastewater Treatment Plant has had primary funding from U.S. Environmental Protection Agency grants, overseen by the Michigan Department of Natural Resources. As a condition of the grant, the City is obligated to add staff to operate and maintain the expanded facility. Following negotiations with DNR representatives, the Public Service Director and the Wastewater Division

Superintendent have been able to reduce the number of recommended new full-time positions to 22, plus one new seasonal laborer. The positions would be funded through revenues from sewerage disposal charges. The Committee concurs with the Mayor's recommendation to establish these positions, and this matter is hereby referred to the Committee on Ways and Means for consideration of applicable transfers of funds.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the ordinance amending Section 31-176 of Chapter 31 for the purpose of increasing certain Parking Fines.

Reports As Follows: That said ordinance be approved.

Signed:

JAMES JD. BLAIR
LOUIS P. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON WAYS AND MEANS—

To whom was referred the Mayor's recommended resolution authorizing redemption of Automobile Parking System Revenue Bonds, Series 1966,

Reports As Follows: The Committee has reviewed

and approved the subject resolution for Council consideration later in this meeting's agenda. The Committee requests that the Mayor prepare an ordinance to repeal those provisions of Ordinance 14A, adopted May 31, 1966, that will be no longer required or applicable after redemption of the Series 1966 Parking System Revenue Bonds. The Committee recommends that the Mayor forward such repealing ordinance to the Committee on Public Safety and Properties.

Signed:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
JAMES D. BLAIR
Committee on Ways and Means.

By COUNCILMEMBER LINDEMANN—

That the report of the Committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

REPORTS OF CITY OFFICERS AND BOARDS

November 12, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Claude H. Mathis
In the Sum of \$87.50

Dear President Benavides and
Members of Lansing City Council:

The claimant, Mrs. Mathis, requests payment of \$87.50 as reimbursement to him for the cost of the cleaning of a sewer line at 2300 Sadie Court, in Lansing, on July 26, 1986.

City investigation of the claim reveals that there were no complaints received by the Public Service Department on July 26, 1986 regarding sewer "backups" on Sadie Court.

This office call Eifert Plumbing and Heating, the contractor providing service in this case, and was informed that they cleaned out tree roots for Mr. Mathis within that portion of the sewer line that runs between his house and the City's main line in the right of way. The plumbing service performed was that of augering the claimant's lead line and it solved the problem. The responsibility for the maintenance of this sewer lead line is that of the homeowner and not that of the City.

On the basis of the information received regarding this claim, this office concurs with the recommendation of the Public Service Department that the claim be denied.

Respectfull submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 12, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of David L. Smith for \$115.28.

Dear President Benavides and
Members of Lansing City Council:

On August 4, 1986, David L. Smith, 308 University Drive, East Lansing, filed a claim for \$115.28 for damage to his car allegedly caused by hitting a pothole located in the vicinity of H.A. Sellers and Clippert Streets in the City of Lansing on April 24, 1986. Claimant's automobile collision insurance at the time of the incident had a \$200.00 deductible.

This claim was investigated by the Law Department which found that the pothole in question was formed due to weather conditions in late March or early April of 1986, discovered by the City on April 9, 1986, temporarily repaired with recycled asphalt on the same day, April 9, 1986 and permanently repaired with hot-mix asphalt on May 28, 1986 according to Frederick R. Brown, senior supervisor of the work crews which repaired the pothole. Mr. Brown added that the pothole could not have been permanently repaired with hot-mix asphalt until April 18, 1986 when the asphalt plants opened for the year. He also said that pending permanent repair with hot-mix asphalt, the work crews periodically filled the pothole with additional recycled asphalt as it settled due to traffic and weather conditions. One of the dates this was done was April 28, 1986, immediately after the claimant complained to the City. No other complaints regarding the pothole where reported before or after the above incident.

MCLA 691.1403 provides:

"No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency knew, or in the exercise of reasonable diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place."

The above facts when applied to the law show that the City had notice of the defect on April 9, 1986, and in fact the City repaired the defect on the same date. The City continued to monitor the defect by periodic filling with recycled asphalt and secured the continuous repair on May 28, 1986 with hot-mix asphalt. The facts do not support negligence on the part of the City or its workers. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this Claim be denied.

Carried.

November 12, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Minesh Mody
In the Amount of \$313.93

Dear President Benavides and
Members of Lansing City Council:

On August 25, 1986, Minesh Mody submitted a claim in the amount of \$313.93 for damage to his vehicle allegedly caused by driving over raised manhole covers located on Clemens Street. Claimant alleges that the manhole covers caused his wheel bearing on front wheel axle to be damaged.

Information received from the Public Service Department indicates that there are raised manhole covers on Clemens Street between Elizabeth Street and the bridge over I-496. These covers are only 1½ inches above the pavement and it is possible to drive along the street without driving over them. A summary of their investigation was that it is highly unlikely that the damage to the vehicle was caused by the manhole covers.

Based on the investigation, this office requested that Mr. Mody supply additional information regarding the basis for his claim that the manhole caused the damage to his vehicle. Mr. Mody was informed that if such information was not received by November 4, 1986 this office would recommend denial of the claim. Mr. Mody has not supplied any further information. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 12, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Larry Andringa
In the Amount of \$110.00

Dear President Benavides and
Members of Lansing City Council:

Claimant requests the removal of \$110.00 assessment from the real property tax bill for 221 Bingham, Lansing, Parcel No. 3301-15-330-061-6. The assessment was placed on the tax rolls in early 1986 and appeared on the July, 1986 tax bill.

City investigation of the claim discloses that the assessment was placed on the real property because of a violation of the City Code pertaining to the removal of trash from the right of way directly in front of the aforementioned premises. Trash that was not in a City garbage bag was first observed in front of 221 Bingham on November 21, 1985 and a violation notice sent to the taxpayer of record the next day. The violation was abated December 3, 1985, with the removal of the bag by the City's Public Service Department.

In this case, Mr. Andringa and another person are purchasing the property at 221 Bingham on a land contract from Tom and Doris Badgley. Notice of the violation was properly sent to the Badgleys, as taxpayers of record, and notice was also left at the Bingham Street residence according to information furnished to this office by the Public Service Department. According to the claim neither notice was reported to the Land Contract purchasers, and Mr. Andringa does not believe the notices were received. Mr. Andringa based his conclusion that the notices were not received on a discussion with the tenants of the property and the fact that in March and June of 1986, the Badgleys received violation notices which they passed on to Mr. Andringa. Nonetheless, the notice was not returned to the City as undeliverable.

Investigation does not show any error in inspection, removal of the bag or billing. Notwithstanding written notice, the bag remained in the right of way for 12 days and was itself actual notice of the violation.

Based upon the information received at this time regarding this claim, this office concurs with the recommendation of the Public Service Department that the claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 12, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of William P. Nakfoor

Dear President Benavides and
Members of Lansing City Council:

On August 8, 1986, William P. Nakfoor submitted a claim in the amount of \$1,568.00 for sewer backup damage at 1424 S. Pennsylvania. Claimant indicates that on or about June 20 it was discovered that there was a problem with the City sewer system. Specific-

ly, Claimant indicates that there was concrete in the sewer line obstructing use of the sewer system.

Information received from the Public Service Department indicates that the City of Lansing contracted with an independent contractor for construction in the area. Therefore, it is the recommendation of this office that this matter be referred to the independent contractor for resolution.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be referred to the contractor for resolution.

Carried.

November, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Marie J. Belding

Dear President Benavides and
Members of Lansing City Council:

On June 19, 1986, Marie J. Belding submitted a claim in the amount of \$109.36. Claimant states that on Monday, June 16, 1986 at approximately 8:15 a.m., she was walking from the City parking ramp in the 300 block of South Capitol. As she stepped from the parking ramp walkway onto the sidewalk, she fell. Claimant states that there is approximately a 3" drop in the sidewalk along the parking ramp walkway. Claimant believes that there should be some sort of warning or notice at that location.

A review of Public Service records indicate that the interface between the sidewalk and the parking structure measures 2½" in height. Public Service indicates that this 2½" step is caused by an apparent settling of the fill area over the building postings.

"Governmental agencies are liable for bodily injury and property damage resulting from a dangerous or defective condition of a public building in the governmental agency had actual or constructive knowledge of the defect and for a reasonable time after acquiring knowledge, failed to remedy the condition or to take action reasonably necessary to protect the public against the condition . . . Knowledge of the dangerous and defective condition of the public building and time to repair the same shall be conclusively presumed when such defect existed so as to be readily apparent to an ordinarily observant person for a period of 90 days or longer before the injury took place." MCLA 691.1406.

The nature of the defect in this particular claim appears to meet the criteria of the statute giving rise to the presumption of knowledge of the defect.

Therefore, it is the recommendation of this office that this claim be granted.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the claim be approved and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$109.36 payable to Marie J. Belding.

Carried.

November 12, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Shannon Clay
In the Amount of \$35.00

Dear President Benavides
and Member of City Council:

On August 25, 1986, City Council received a claim from Shannon Clay, 800 Eureka, for a \$35.00 tow charge. Claimant reports her father's 1973 Chevrolet truck was driven by a friend, who was stopped near Bailey and Avon for a traffic matter. The driver did not have proof of ownership or insurance and did not identify the owner's name. Claimant states she was present and did tell the officer who the owner was. The driver was ticketed for the violations and the vehicle was towed following a request by the police officer. Claimant presented her father's proof of ownership and insurance, and the driver's two ticket were dismissed. She also established ownership for the towing company, paid a \$35.00 tow charge and the vehicle was released to her. She seeks reimbursement for her cost.

Investigation by this office revealed a substantially different story by the responding police officers and their command officer. The officers report states the driver was alone and alternately refused to identify the owner or claimed he did not know who it was. The driver also refused for some period to identify himself and was generally uncooperative. The Michigan Secretary of State computer line was not operating, so the officers were unable to determine ownership of the vehicle. Based upon these circumstances and others, the officers believed the vehicle to be stolen and had it towed in accordance with LPD procedure.

Based upon the above facts, and other confirming data, it is the opinion of this office that the Clay truck was properly towed, that no negligence was involved, and that the tow charge is not recoverable against the City. It is therefore recommended the claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 13, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Ms. Earlene Neal to the Elected Officers Compensation Commission. The term will expire October 1, 1992.

Ms. Neal resides at 3212 Westwood. She is employed as Director of Programs for the Michigan Women's Commission and is an active member of the community.

I trust you will give careful consideration to the appointment of Ms. Earlene Neal to this important Commission.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee of the Whole.

November 13, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Harlow Claggett to the Board of Fire Commissioners. The term will expire June 1987.

Mr. Claggett resides at 1016 LeGrand, Apt.#4. He is employed as Associate Superintendent of Employee Relations and Legal Services for the Lansing School District and is an active member of the community.

I trust you will give careful consideration to the appointment of Mr. Harlow Claggett to this important Board.

Sincerely,

TERRY J. MC KANE
Mayor

Referred to the Committee on Public Safety and Properties.

November, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Randall M. Kamm to the Building Board of Appeals. The term will expire June 1988.

Mr. Kamm resides at 2519 Marion Avenue and is employed as an Environmental Sanitarian with the Ingham County Health Department. He is an active member of the community and will provide this Board with an invaluable resource.

I trust you will give careful consideration to the appointment of Randall M. Kamm to the Board of Building Appeals.

Sincerely,

TERRY J. MC KANE
Mayor

Referred to the Committee on General Services.

DATE: 11/13/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Costs To Expand Inspection Program To
Include All Rental Units

The attached correspondence is submitted for your information.

Referred to the Committee on General Services.

DATE: 11/13/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Chestnut St. Clean-up Final Report

The attached correspondence is submitted for your information.

Received and Placed on File.

November 13, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and Councilmembers:

Recently, I provided you with the notification from HUD that the City's UDAG application for the Olds Plaza Project would be "held over" for the next funding round. City and Economic Development Corporation staff have been working with the HUD staff to update the necessary documents for submission to HUD for the next funding round. During these work sessions, a recommendation from the HUD staff has been made to the City and Economic Development Corporation staff to reduce the amount of the UDAG requested by the City from \$2,175,000 to \$925,000. HUD's recommendation is based on the following reasoning:

1. Because of the success of previously awarded UDAG's, which have contributed to strengthening the

economic health of Lansing, officials at HUD in Washington, D.C. suggest that Lansing does not appear to have a "gap" in financing its portion of the project (parking ramp). Therefore, it will be difficult to demonstrate need on a competitive basis.

2. A voluntary reduction in the requested UDAG amount will increase the "leverage ratio" of private to public dollars. This would be advantageous because using the HUD formula for measuring "impact" and "distress areas", Lansing does not (for funding purposes) rank very high on a competitive basis with other communities.

Although according to HUD staff, reducing the amount of UDAG monies requested would increase the City's probability of receiving a grant for the Olds Plaza Project, it appears from a City and Economic Development Corporation staff perspective that reducing the amount of monies requested in the UDAG application would be a significant project revision (in terms of City financing) from the original application that the City Council approved.

If City Council decides to reduce the amount of monies requested in the UDAG application, (and thereby increase the City's chance of receiving some Federal monies), it appears that City Council would have to be prepared to commit substantial funds from the City parking system or General Fund in order to complete the construction of the proposed parking ramp which the developer claims is necessary to support 112 hotel rooms. It is for that reason I am requesting you to refer this matter to the appropriate committee for review. I will make any staff you desire available to assist you in your review.

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee on Economic Development.

DATE: 11/13/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: City Market Leases.

The attached correspondence is submitted for your information.

Referred to the Committee on Public Safety and Properties.

DATE: 11/13/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Pre-school Program—Foster Center.

The attached correspondence is submitted for your information.

Referred to the Committee on Ways and Means.

DATE: 11/13/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Financial Statements of the City Funds
at September 30, 1986.

The attached correspondence is submitted for your information.

Referred to the Committee on Ways and Means.

DATE: 11/13/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonable possible.

Referred to the Committee on Ways and Means.

RESOLUTIONS

By COMMITTEE ON ECONOMIC
DEVELOPMENT—

RESOLUTION #0520

Resolved by the City Council of the City of Lansing:

Whereas, the City previously entered into an Agreement dated June 25, 1984 for the purchase and development of the Poxson Property; and

Whereas, the Agreement was assigned to Riverview Associates, a Michigan co-partnership, and amended on February 21, 1986, June 12, 1986 and June 20, 1986; and

Whereas, Riverview Associates requests the approval to assign its interest to Riverview Associates One limited Partnership, a Michigan limited partnership consisting of Max A. Coon, Maxco, Inc., Lewis D. Johns, and Joel I. Ferguson as the sole, general and limited partners; and

Whereas, the proposed Resolution was unanimously approved by the Economic Development Committee at a meeting held on November 12, 1986;

Now, Therefore, be it Resolved, that subject to the written assumption by the Riverview Associates One Limited Partnership of all the guarantees, responsibilities, liabilities and obligations of Riverview Associates as set forth in the June 25, 1984 Agreement as amended, the City Council of the City of Lansing,

Michigan approves the assignment of the June 25, 1984 Agreement, as amended, for the purchase and development of the Poxson Property from Riverview Associates, a Michigan co-partnership, to Riverview Associates One Limited Partnership.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0521

**RESOLUTION APPROVING AMENDED
PROJECT PLAN AND ISSUANCE
OF BONDS
(Grandview Plaza Project)**

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7 o'clock p.m., Michigan Time, on November 17, 1986, at which the following members were present:

Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

and the following were absent: None.

The following preamble and resolution were offered by Adado and supported by Belen:

Whereas, this City Council has given notice pursuant to Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and Temporary Treasury Regulations Section 5f.103-2, of a public hearing which was held earlier by this City Council relative to (i) the Project Plan for the Grandview Plaza Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer") and (ii) the issuance of bonds by the Issuer to assist in the financing of the Project.

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and the issuance of bonds, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council subsequently approved the Project Plan; and

Whereas, this City Council has been advised that the form of the obligor has been changed from Riverview Associates, a Michigan partnership to Riverview Associates Limited Partnership, a Michigan limited partnership, and that this City Council further desires to express its approval of an amendment to the Project Plan to that effect; and

Whereas, this City Council has been advised that

the Issuer has recommended approval of such an amendment to the Project Plan.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing, as follows:

1. The Project Plan is hereby approved as amended by the change in references in the Plan from "Riverview Associates, a Michigan partnership" to "Riverview Associates Limited Partnership, a Michigan limited partnership."

2. The City Clerk is hereby directed to provide three (3) certified copies to the Secretary of the Issuer.

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 17th day of November, 1986 and that the minutes of said meeting are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

RITA M. BAUMAN
Lansing City Clerk

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0522

Resolved by the City Council of the City of Lansing:

Act-21-79
Sycamore Street

Whereas, the Lansing City Council adopted by July 28, 1980 a resolution to vacate Sycamore Street between Ottawa and Allegan Streets; and

Whereas, portions of Michigan Avenue have been vacated since the July 1980 action of City Council which enable the City to specifically identify the segment of Sycamore Street to be vacated.

Now, Therefore Be It Resolved, that the Lansing City Council hereby vacates Sycamore Street specifically described as:

Commencing at the NE corner of Block 105, Original Plat of the Town of Michigan, now City of Lansing; thence southerly along the west line of Sycamore Street to the SE corner Block 106, Original Plat, thence Easterly 82.5 feet to the SW Corner Block 107, said plat, thence Northerly along the East line of Sycamore Street to the NW

Corner Block 104, said plat, thence Westerly 82.5 Feet to the point of beginning,

Original Plat of the Town of Michigan, now City of Lansing, T4N R2W, Ingham Co., Michigan.

Be It Finally Resolved, that the City Clerk is empowered to record a certified copy of this resolution with the register of deeds and shall also send a recorded copy to the State Treasurer.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0523

Resolved by the City Council of the City of Lansing:

Act-13-85
Fenton at Lowcroft

Whereas, the Lansing Planning Division has completed an Act 285 review on the request made by adjacent property owners on Lowcroft to vacate a section of Fenton Street; and

Whereas, the Lansing Planning Board has concurred with the recommendation of the Planning Division that the street be vacated; and

Whereas, the Council Committee on Public Safety and Properties has reviewed the Planning Board recommendation and concurs therein;

Now, Therefore, Be It Resolved, that Fenton Street, described as:

Beginning at the S W corner of Lot 42 of Foster's Holmes Road Subdivision of the City of Lansing T4N R2W, thence East 125 feet, thence south 50 feet, then west 125 feet, thence north 50 feet to point of beginning

is hereby vacated subject to reservation of easement rights by the Board of Water and Light,

An Be It Finally Resolved, that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Register of Deeds, and shall also send a recorded copy to the Department of Commerce.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0524

Act-35-86
6000-7000 block South Cedar Street

Whereas, the Lansing Planning Division has completed its review of the vacation of the South Cedar Street right-of-way in the 6000-7000 block and is more specifically described as:

A portion of the South Cedar Street right-of-way embraced in the plat of Just-a-mere Farms No. 1 being a part of Section 10, T3N, R2W, now City of Lansing, Ingham County, Michigan described as;

Commencing at the most southerly corner of said plat; thence northwesterly 1240 feet more or less to a point 20 feet more or less east of the north west corner of said plat, said point being the easterly line of an easement granted to the State of Michigan for highway purposes; thence east to the northwest corner of Lot 106 of said plat; thence southeasterly along the east line of Cedar Street a dedicated to the south corner of Lot 89 of said plat; thence south to the point of beginning;

Now, Therefore, Be It Resolved, that the excess land along South Cedar Street described above be vacated by the City Council subject to:

1. Full width easements for sewers and/or other public utilities being retained along the entire length of the parcel.

2. A deed restriction placed on the property to prohibit the construction of building.

3. Accurate legal descriptions be provided by individual property owners for inclusion in property tax records; and

Be It Further Resolved that this vacation is not intended to close access from Brookdale and Benton Streets to the state trunkline, also known as South Cedar Street; and

Be It Finally Resolved, that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Ingham County Register of Deeds, and shall also send a copy of the recorded resolution to the Michigan Department of Commerce.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0525

Act-13-86
McKim Avenue

Whereas, the Lansing Planning Division has completed its review of the vacation of McKim Avenue east of Lyons Avenue to the Conrail railroad tracks, more specifically described as:

Commencing at the Southwest corner of Lot 22, thence South 50 feet, thence East 182 feet more or less to the West line of the M.C.R.R. R/W, thence Northwesterly along said R/W 51 feet more or less to the Southeast Corner of Lot 23, thence West 175.5 feet to point of beginning, all situated in Morningside Subdivision of part of the West ½ of the NW ¼ Section 27 T4N, R2W; and

Now, Therefore Be It Resolved, that the section of McKim Avenue described as:

Commencing at the Southwest corner of Lot 22, thence South 50 feet, thence East 182 feet more or less to the west line of the M.C.R.R. R/W, thence Northwesterly along said R/W 51 feet more or less to the Southeast corner of Lot 23, thence west 175.5 feet to point of beginning, all situated in Morningside Subdivision of part of the West ½ of the NW ¼ Section 27 T4N, R2W;

be vacated by the City Council subject to maintaining utility easements; and

Be It Finally Resolved that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Ingham County Register of Deeds, and shall also send a copy of the recorded resolution to the Michigan Department of Commerce.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

RESOLUTION #0526

City of Lansing
Counties of Ingham and Eaton

RESOLUTION AUTHORIZING REDEMPTION OF AUTOMOBILE PARKING SYSTEM REVENUE BONDS, SERIES 1966

Whereas, on May 31, 1966, the City Council (the "City Council") of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") adopted Ordinance No. 14A ("Ordinance No. 14A") which authorized, among other things, the issuance by the City of its "City of Lansing Automobile Parking System Revenue Bonds, Series 1966" (the "Bonds"); and

Whereas, the City holds in the Funds and Accounts established pursuant to Ordinance No. 14A sufficient revenues to redeem the entire outstanding principal balance of the Bonds, together with interest and premium due upon redemption thereof; and

Whereas, this City Council deems it to be in the best interest of the City at this time to redeem the outstanding principal balance of the Bonds;

Now, Therefore, Be It Resolved by the City of Lansing that:

1. All Net Revenues remaining as of June 30, 1986 in the Bond and Interest Redemption Fund and the Depreciation, Extension, and Improvement Fund, after satisfying the requirements of said Funds established by Ordinance No. 14A, are hereby deemed to be surplus revenues (the "Surplus Net Revenues") pursuant to Section 17 of Ordinance No. 14A.

2. The City Council hereby directs the Director of Finance of the City (the "Director of Finance") to transfer the Surplus New Revenues to the Bond Reserve Account pursuant to Section 17 of Ordinance No. 14A.

3. After the transfer of Surplus New Revenues as provided in Section 2 hereof, the moneys in the Bond Reserve Account shall be used pursuant to said Section 16 (b) (3) (a) of Ordinance No. 14A to redeem all of the outstanding Bonds on January 1, 1987, which is the earliest possible redemption date. The Bonds shall be redeemed at par plus accrued interest, if any, together with a premium of ½% in accordance with Section 7 of Ordinance No. 14A. The City Council hereby determines that the Bonds are being redeemed from Net Revenues of the System which have been deposited in the Bond Reserve Account as required above and that the proper premium for such redemption is ½% pursuant to Ordinance No. 14A.

4. The City Council hereby approves use of the following notice in connection with the redemption of the Bonds.

NOTICE OF REDEMPTION CITY OF LANSING COUNTIES OF INGHAM AND EATON STATE OF MICHIGAN AUTOMOBILE PARKING SYSTEM REVENUE BOND, SERIES 1966

Notice is hereby given that CITY OF LANSING AUTOMOBILE PARKING SYSTEM REVENUE BONDS, SERIES 1966, MATURING ON AND AFTER JULY 1, 1987, AND NUMBERED _____ TO _____, INCLUSIVE, (the "Bonds"), have been called for redemption from the Net Revenues of the System which have been deposited in the Bond Reserve Account of the Bond and Interest Redemption Fund. The Bonds have been called for redemption on January 1, 1987, at the principal amount thereof, together with interest accrued thereon to January 1, 1987 plus a premium of ½% of the principal amount redeemed.

Payment of the redemption price will be made on or after January 1, 1987 upon presentation and surrender of the Bonds, together with all or pertinent coupons maturing on or after the redemption date, at the corporate trust office of the paying agent, Manufacturers National Bank of Detroit, Detroit, Michigan. Interest on the Bonds shall cease to accrue on and after January 1, 1987.

JAMES W. DOWSETT
Director of Finance
City of Lansing, Michigan

5. The Director of Finance shall have the foregoing notice published in the Bond Buyer, New York, New York, and mailed to each registered bondholder in accordance with the provisions of Ordinance No. 14A. The Director of Finance is hereby directed and authorized to do any and all other actions necessary to redeem all the outstanding bonds in accordance with the provision of Ordinance No. 14A.

6. This Resolution shall be effective immediately upon adoption.

7. All resolutions or parts of resolutions in conflict with this resolution shall be, and the same are, rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on November 17, 1986, at 7:00 o'clock p.m., Michigan Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

And that the following Members were absent: None.

I further certify that Member Lindemann moved adoption of said resolution and that Member Belen supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

RITA M. BAUMAN
City Clerk

By COMMITTEE OF THE WHOLE—

RESOLUTION #0527

Resolved by the City Council of the City of Lansing:

Whereas, Harry S. "Hap" Haasch came to Lansing City Hall as a Channel 28 student intern for 13 weeks in the summer of 1982, just before he graduated from Eastern Michigan University; and

Whereas, the continued development of Channel 28 as an information resource for city residents led to the creation of a new contract employee position within the City Council staff, and Hap was selected to begin work on July 1, 1983, as the City's Audio-Visual Assistant in charge of Channel 28; and

Whereas, week after week for more than three years, Hap has kept Channel 28 going, running program schedules, finding volunteers for production crews, training student interns, directing taping ses-

sions, performing equipment maintenance, and simply being there, ready with camera and recording deck, whenever he was needed for a special event; and

Whereas, Hap managed to balance his City Hall workload with the rigors of graduate-level college courses, and he earned his Master's Degree in Telecommunications from Michigan State University in June 1986; and

Whereas, Hap's hard work and dedication to expansion and improvement of Channel 28's program offerings have resulted in glowing recognition from the Michigan Municipal League, the Northeast/Midwest Congressional Coalition chaired by U.S. Representative Howard Wolpe, Continental Cablevision, and Lansing School District, the Mayor, and virtually every element of this City Government; and

Whereas, Hap is leaving Lansing to accept a full-time professional position in Kalamazoo, Michigan, where he will control three community channels and staff for the Community Access Center, a non-profit organization service five cable franchises in and around Kalamazoo;

Now, Therefore, Be It Resolved the Lansing City Council hereby extends warmest thanks for so many jobs well done to HARRY S. "HAP" HAASCH, with special recognition for his outstanding efforts in making Channel 28 the most-watched and best-recognized community channel on the Lansing cable television system; and

Be It Further Resolved the City Council offers best wishes for happiness and success to HAP as he begins a new career, with a final sentimental reminder that WE WILL MISS YOU!

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

RESOLUTION #0528

Resolved by the City Council of the City of Lansing:

Whereas, HARRY A. DEMASO is retiring after 30 years of outstanding public service in the Michigan Legislature; and

Whereas, Senator DeMaso served five terms in the Michigan House of Representative from 1957 through 1966, representing the citizens of the 45th District, then was elected to the Michigan State Senate in 1966, 1970, 1974 and 1982, serving as Assistant Minority Leader in 1982 and President Pro Tempore since 1984; and

Whereas, Senator DeMaso has been a tireless leader in promoting economic development in Michigan, and he was the prime sponsor of the Plant Rehabilitation and Industrial Development District Act (PA 198 of 1974, as amended) as well as the Commercial Redevelopment Districts Act (PA 255 of 1978), both of which

have been very effective economic development tools that have saved and created thousands of jobs in the City of Lansing alone; and

Whereas, Senator DeMaso's 20th District contains a portion of the City of Lansing, and he has always been willing to lend his assistance to solve local problems and sell local products around the world;

Now, Therefore, Be It Resolved, the Lansing City Council, sitting in regular session this Seventeenth day of November 1986, hereby expresses the heartfelt thanks of the People of the City of Lansing to SENATOR HARRY A. DEMASO for his outstanding service in the Michigan Legislature for the past 30 years; and

Be It Further Resolved the City Council wishes HARRY many health and happy years of retirement.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

Councilmember Schmidt left the meeting.

Resolution #0529

By COMMITTEE ON WAYS AND MEANS—

Resolved by the City Council of the City of Lansing:

That the following transfer be approved:

1)
\$920.00 from Gen. Admin. Reserve for contingency
A/C 101-941-000-963
920.00 to District Court Expenditures
A/C 101-136-000-700
(Eliminate data entry backlog for most effective use of the computerized case database.)

\$920.00 from Estimated Revenues-District Ct.
A/C 760-900-000-160
920.00 to District Ct.-Temporary Help
A/C 760-136-000-707
(Eliminate data entry backlog for most effective use of the computerized case database.)

2)
\$2,250.00 from Reserve for Contingency
A/C 101-941-000-963
2,250.00 to Adm. Services Building Maint. Project Maintenance
A/C 101-265-000-931
(City responsibility for 25% of the costs of reroofing the former No. 8 Fire Station following the removal of the emergency sirens from this building.)

3)
\$8,500.00 from Gen. Admin. Telephone
A/C 101-930-000-853
8,500.00 to LPD Admin. Telephone
A/C 101-305-000-853

(Estimated balance needed to cover departmental telephone costs for private, temporary, and radio phones.)

4)
\$9,500.00 from Police LEMS Equipment
A/C 101-308-650-977
9,500.00 to Police Operations Support Misc. & Oper. Expenses
A/c 101-308-000-741
(Higher than-anticipated costs for photographing all persons arrested for misdemeanor crimes.)

5)
\$170.00 from General Fund Estimated Revenues
A/C 101-000-000-160
170.00 to Fire Admin. Donations
A/C 101-337-000-956
(Donations to EMS Paramedic Program in memory of C.K. Penfield.)

6)
\$4,720.00 from Fire Prevention Salaries
A/C 101-341-000-702
4,720.00 to Fire Prev. Misc. Oper. Expenses
A/C 101-341-000-741
(Purchase of publications on Lansing Fire Prevention Code for Distribution to City Clerk & City Attorney, and for resale to the public.)

7)
\$8,000.00 from Planning & Municipal Dev. Building Div. Salaries & Longevity
A/C 101-860-380-702
8,000.00 to Planning & Municipal Dev. Building Div. Professional Services
A/C 101-860-380-801
(To provide an additional 83 days contract mechanical inspector to address continuing backlog in inspections due to high permit activity.)

\$614,085.00 from Public Service Sewage Fund Retained Earnings
A/C 590-000-000-395
37,900.00 to Public Service Wastewater Salaries and Longevity
A/C 590-536-000-702
(Expanded Wastewater operations.
24 additional positions associated with operational costs.)

8)
\$149,200.00 to Pub. Serv. Wastewater Wages-Hrly
A/c 590-536-000-706
2,775.00 to Pub. Serv. Wastewater Wages-Temp.
A/C 590-536-000-707
1,000.00 to Pub. Serv. Wastewater Overtime-Sal
A/C 590-536-000-708
1,050.00 to Pub. Serv. Wastewater Overtime-Hr.
A/C 590-536-000-709
86,550.00 to Pub. Serv. Wastewater Fringe Ben.
A/C 590-536-000-715
3,000.00 to Pub. Serv. Wastewater Oper. Supp.
A/C 590-536-000-740
700.00 to Pub. Serv. Wastewater Misc. and Oper. Expenses.
A/C 590-536-000-741
10,000.00 to Pub. Serv. Wastewater Chemicals
A/C 590-536-000-743
35,000.00 to Pub. Serv. Wastewater Insurance
A/C 590-536-000-910
10,000.00 to Pub. Serv. Wastewater Equipment
A/C 590-536-000-933

250,000.00 to Pub. Serv. Wastewater Utilities
A/C 590-536-000-920
26,910.00 to Pub. Serv. Wastewater Equipment
A/C 590-536-000-977

The balance in the Reserve for Contingency Fund
after this transfer is \$661,217.00.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and
eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN
SIDNEY WORTHINGTON
JAMES BLAIR
Committee on Ways and Means

ADOPTED by the following vote:

YEAS—Councilmembers Adado, Belen, Bena-
vides, Blair, Creamer, Lindemann, and Worthing-
ton—7.

NAYS—None.

ABSENT—Councilmember Schmidt—(1).

INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing,
Michigan providing that the code of ordinances be
amended by:

Providing that Chapter 36 be amended by adding a
new Article XVA containing sections numbered
36-145.13 and 36-145.14 to provide for the establish-
ment of the boundaries of the Cedar/Larch Neighbor-
hood Development area and Citizens District Area
and to provide for the appointment of a Citizen
District Council was introduced by Councilmember
Creamer, read a first and second time by their titles
and referred to the Committee on Physical Develop-
ment.

RESOLUTION #0530

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, November
24, 1986 at 7:00 P.M. in the 10th Floor Chambers of
City Council for the purpose of opposing and/or ap-
proving the ordinance.

Providing that Chapter 36 be amended by adding a
new Article XVA containing sections numbered
36-145.13 and 36-145.14 to provide for the establish-
ment of the boundaries of the Cedar/Larch Neighbor-
hood Development Area and Citizens District Area
and to provide for the appointment of a Citizens
District Council.

ADOPTED by the following vote:

YEAS—Councilmembers Adado, Belen, Bena-
vides, Blair, Creamer, Lindemann, and Worthing-
ton—(8).

NAYS—None.

ABSENT—Councilmember Schmidt—(1).

By COUNCILMEMBER WORTHINGTON—

The Committee reported it had considered an ordin-
ance providing that the Code of Ordinances, City of
Lansing, Michigan be amended by:

Amending Section 31-176 Chapter 31 for the pur-
pose of increasing certain parking fines and recom-
mended that the ordinance be passed.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Or-
dinances, City of Lansing, Michigan, be amended by
revising section 31-176 of Chapter 31 for the purpose
of increasing certain Parking Fines be placed on order
or immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER BLAIR—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Or-
dinances, City of Lansing, Michigan, be amended by
revising section 31-176 of Chapter 31 for the purpose
of increasing certain Parking Fines be now passed.

ADOPTED by the following vote:

YEAS: Councilmember Adado, Belen, Benavides,
Blair, Creamer, Lindemann, and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Schmidt—(1).

ORDINANCE NO. 734

An Ordinance to amend Section 31-176 Chapter 31
of the Code of Ordinances of the City of Lansing,
Michigan, for the purpose of increasing certain park-
ing fines.

The City of Lansing Ordains:

Section 1. Section 31-176 of Chapter 31 of the Code
of Ordinances of the City of Lansing is hereby amend-
ed to read as follows:

Sec. 31-176. Penalties.

Unless another penalty is expressly provided by law, the following penalties shall be imposed against every person convicted of a violation of any of the provisions of this chapter.

(a) The penalties for any violation of any section of this chapter which is specifically designated as constituting a misdemeanor shall be a penalty fine of no more than one hundred dollars (\$100.00) or imprisonment for no more than ninety (90) days or both.

(b) Any person admitting responsibility or determined to be responsible for a violation of any section of this chapter which constitutes a civil infraction may be ordered to pay a fine of not more than one hundred dollars (\$100.00) and, except in the case of parking violations, shall be ordered to pay court costs as permitted by law of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

(c) Penalties for the following parking violations shall be as follows:

(1) Any person paying a meter violation in person at the violations bureau shall pay a one dollar (\$1.00) fine for each hour after the ticket was issued, up to five (5) hours. After five (5) hours, all meter violations shall be a SEVEN dollar (\$7.00) fine. Payment time may overlap into the next business day.

(2) Any time zone violations shall result in an eight dollar (\$8.00) fine.

(3) Any parking in a space reserved for the handicapped violation shall result in a thirty dollar (\$30.00) fine.

(4) Any violation for failure to pay the prescribed fee in an attended parking facility (garage or lot) shall result in a SEVEN (\$7.00) fine plus the unpaid parking fee.

(5) Any violation for parking in a NO parking zone shall result in a eight dollar (\$8.00) fine.

(6) Any no parking 2:00 a.m. to 5:00 a.m. violation shall result in a SEVEN (\$7.00) fine.

(7) Any improper parking violation shall result in a ten dollar (\$10.00) fine.

(8) Any no stopping, standing, or parking violation shall result in a twenty dollar (\$20.00) fine.

(9) Any parking on a sidewalk violation shall result in an eight dollar (\$8.00) fine.

(10) Any parking in an alley violation shall result in a ten dollar (\$10.00) fine.

(11) Any parking in or blocking a driveway violation shall result in an eight dollar (\$8.00) fine.

(12) Any blocking a traffic lane violation shall result in a twenty dollar (\$20.00) fine.

(13) Any traffic hazard violation shall result in a twenty dollar (\$20.00) fine.

(14) Any parking in an area designated as a fire lane shall result in a ten dollar (\$10.00) fine.

(15) ANY PARKING IN ANY SPACE IN VIO-

LATION OF PERMIT PARKING SHALL RESULT IN A TEN DOLLAR (\$10.00) FINE.

(16) Additional costs of two dollars (\$2.00) for each parking violation shall be assessed fourteen (14) calendar days after the date of violation (commonly referred to as the first notice). Additional costs of three dollars (\$3.00) for each parking violation shall be assessed twenty-eight (28) calendar days after the date of the violation (commonly referred to as the final notice).

(17) Additional costs shall be assessed for each violation upon the filing of a sworn complaint with the 54-A District Court.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of Council be waived for the purpose of presenting a Letter From Sonja Richardson, 1117 W. Saginaw, submitting claim for payment of ambulance fees for Lansing Mercy Ambulance since the Fire Dept. Ambulance was not available.

Referred to the City Attorney.

Carried.

Councilmember Lindemann left the meeting.

Councilmember Schmidt returned to the meeting.

RESOLUTION #0531

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing has acquired certain real property necessary for use as right-of-way for the construction of Edgewood Boulevard; and

Whereas, there will be surplus city-owned real property available for private development after Edgewood Boulevard is constructed; and

Whereas, Walter Neller Enterprises and Walter Neller Company have approved the City of Lansing in an effort to arrive at an agreement as to the most mutually advantageous development opportunities for both their real property and surplus city-owned real property located at the eastern end of Edgewood Boulevard; and

Whereas, Walter Neller Enterprises and Walter Neller Company and the City of Lansing have reached agreement in concept on this matter;

Now, Therefore, Be It Resolved by the City Council of the City of Lansing that:

1. The City of Lansing shall exchange the surplus city-owned real estate located south of the Edgewood Boulevard right-of-way for certain parcels of real property owned by Walter Neller Enterprises and Walter Neller Company that are located north of the Edgewood Boulevard right-of-way. This land exchange is illustrated on the attached sketches.

2. The City of Lansing agrees to a division of real property owned by Walter Neller Enterprises and Walter Neller Company which is located east of the intersection of Rosedale and Sawyer Roads in order to create three (3) lots, each being 59 feet by 160 feet, for the development of single family homes thereon.

3. The City of Lansing agrees to vacate that portion of Sawyer Road right-of-way located east of Rosedale Road.

4. Walter Neller Enterprises and Walter Neller Company agree to deed to the City of Lansing that portion of Sawyer Road right-of-way (approximately 260 feet) located west of the east line of Rosedale Road.

5. Walter Neller Enterprises and Walter Neller Company and the City of Lansing all acknowledge that the Board of Water and Light has an easement extending eastward from the east line of Rosedale Road to the north right-of-way line of Edgewood Boulevard.

6. Walter Neller Enterprises and Walter Neller Company and the City of Lansing all acknowledge that poor soil conditions exist on portions of the lands to be exchanged.

7. The City of Lansing agrees to initiate rezoning petitions for the land areas that are located north of the Edgewood Boulevard right-of-way which are or will be owned by the City of Lansing in order to rezone this property to DM-1 multiple family housing. The City of Lansing also agrees to initiate rezoning petitions for the land areas that are located south of the Edgewood boulevard right-of-way which are or will be owned by Walter Neller Enterprises and Walter Neller Company in order to rezone this property to allow uses permitted under the G-2 Wholesale zoning classification. The City of Lansing further agrees to initiate rezoning petitions to adjust the zoning of pro-

perties owned by Walter Neller Enterprises and Walter Neller Company which are located west of Washington Avenue in order to conform to the revised alignment of the Edgewood Boulevard right-of-way.

8. Walter Neller Enterprises and Walter Neller Company and the City of Lansing agree that the net special assessment to be levied on the property owned or to be owned by Walter Neller Enterprises and Walter Neller Company which is located south of the Edgewood Boulevard right-of-way, between the west boundary of the existing Edgewood Boulevard and west property line shown on the attached sketches, will be in the amount of \$72,627, which shall be payable over a thirty (30) month period.

9. The City of Lansing agrees to eliminate the proposed special assessment in the amount of \$6,412.52 for Parcel 3305-08-276-051-8, which is located west of Washington Avenue; and

Be It Further Resolved by the City Council of the City of Lansing that this resolution sets forth the concept of the agreements on this matter, and requests that the City administration prepare all required resolutions or other actions necessary to implement the individual elements of these conceptual agreements in accordance with routine procedures through the normal committee processes of the Lansing City Council.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Beanvides, Blair, Creamer, Schmidt, and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Lindemann—(1).

RESOLUTION #0532

By COMMITTEE ON PHYSICAL DEVELOPMENT—

That the cost estimates for Assessment Roll 299, based upon the construction bids as stipulated in the Public Improvement III, for the Edgewood Blvd. Construction, Phase I, PS 85047, on September 22, 1986, be adjusted as follows:

Project No.	Assessment Roll	Intersection & City Contribution	Assessable to Property Owners	Total Project Cost
PS 85034	299 Storm	\$ 289,158.45*	\$ 72,611.81	\$ 361,770.26
	San. \$62,684.91**	80,511.94	143,196.85	
	C&G	137,013.22**	20,775.18	157,788.40
	Roadway	1,105,923.28***	0.00	1,105,923.28
	TOTALS	\$1,594,779.86	\$173,898.93	\$768,678.79

*401-787-010-974.677

\$242,332.96

**202-452-202-974

\$ 46,244.03

**590-536-608-974

\$ 62,684.91

***401-452-202-974.01

\$1,238,628.47

***202-452-202-974

\$ 4,090.49

These cost adjustments will reduce the property owner's assessable share and will increase the City's contribution, with the total project cost remaining the same.

I hereby certify that funds are available for the City of Lansing's share of said project.

JAMES D. GOODIN
for City Controller

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Schmidt, and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Lindemann.

RESOLUTION #0533

PUBLIC IMPROVEMENT IV

By COMMITTEE ON PHYSICAL DEVELOPMENT—

Resolved by the City Council of the City of Lansing:

That the special assessment roll for Storm and Sanitary Sewers and Curb and Gutter for the proposed Edgewood Blvd. Extension

ASSESSMENT ROLL NO. 299

PROPERTY BENEFITED:

All lands fronting on proposed Edgewood Blvd. Extension from the end of the existing street at the west property line of Lot 10. Kahres Farm Subdivision to 1000 ft. west of Washington Avenue and to create a new right turn lane along S. Cedar Street onto Edgewood Blvd. beginning at a point approximately 2300 ft. north of Edgewood Blvd. as returned by the City Assessor (as amended by the City Council upon review as follows)

be and the same is hereby ratified and confirmed, and the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax on or before the 17th day of February, 1987.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Lindemann—(1).

Councilmember Lindemann returned to the meeting.

RESOLUTION #0534

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

Amendment to Resolution of September 29, 1986 accepting Historic Architectural Survey funds.

Be it also resolved that the Council authorizes the Mayor to sign the Contract for said funds.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, and Worthington—(8).

NAYS: None.

ABSENT: None.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing:

That Councilmember Lindemann be excused from the session at 8:55 p.m.

Carried.

There were no remarks by the Mayor's Executive Assistant.

REMARKS BY THE CITY COUNCIL

Councilmember Belen spoke of Continental Cablevision being recognized and an outstanding company.

Councilmember Adado excused Councilmember Belen as she had to leave early.

Councilmember Adado spoke of the petitions circulated in regard to Embassy Suites.

Councilmember Schmidt announced a meeting to be held at Lansing General Hospital on Tuesday, Nov. 18, 1986 for all people interested in Scott's Woods.

REMARKS BY THE AUDIENCE

Gerald Graves spoke regarding Embassy Suites and of an elderly couple, Mr. and Mrs. Harold Tillman, 3424 Burchfield Drive, being turned down in a claim against the city. Stated they also have four big holes in their street.

Mary Haney spoke regarding remarks made about the closing of her business.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 9:10 P.M.

RITA M. BAUMAN,
City Clerk.

Lansing, Michigan
November 17, 1986

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, November 24, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

November 24, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—8.

Absent: None.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Belen.

Pledge of Allegiance.

PUBLIC HEARINGS

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Special Land Use—SLU-7-86, 5200 S. Waverly Road for construction of a church.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed special land use they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Michigan Square Project—Phase I Tax Increment Finance Project.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Michigan Square Project they will have the privilege of speaking at this time.

Rod Gehring, Capital Area Transportation Author-

ity, presented a resolution from CATA in support of the project.

Resolution from Capital Area Transportation Authority in support of the Phase I Development Plan for the Michigan Square Project—Phase I.

Referred to the Committee on Economic Development.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance amending Chapter 36 by adding a new Article XVA containing sections numbered 36-145.13 and 36-145.14 to provide for the establishment of the boundaries of the Cedar/Larch neighborhood Development Area and Citizens District Area and to provide for the appointment of a Citizens District Council.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed Ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed Ordinance adding a new Division 10A—"D-2" Residential/Office District to permit the construction or conversion of structures for combined office and residential use primarily in the Central Area providing the residential character of the structure and the parcel is retained.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance amendment, they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on Physical Development.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the

time and place set as the time for holding a public hearing on the ordinance for the repeal of Section 16-2 of Chapter 16 for the purpose of updating and revising the ordinance pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance for the repeal of Chapter 21 containing sections numbered 21-1 through 21-24, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance for the repeal of sections numbered 22-1 through 22-85, inclusive, of Chapter 22 for the purpose of updating and revising the ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance for the repeal of Chapter 23 containing Sections numbered 23-1 through 23-32, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance for the repeal of Chapter 24

containing sections numbered 24-1 through 24-68, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance for the repeal of Chapter 26A containing sections numbered 26A-1 through 26A-16, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance for the repeal of Sections 4-1 and 4-10 of Chapter 4 for the purpose of updating and revising ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

November 24, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the ordinance adding a new Chapter 22 containing sections numbered 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinance provisions pertaining to Offenses.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

Certificates of Appreciation were presented by Council to the following for their many hours devoted to city boards:

Civic Center Board—Dale Redburn, Lee Hendrickson, Rex Sessions, Priscilla Lange and for Ben Perez who could not attend the meeting.

Board of Water and Light—David Nussdorfer.

Elected Officers Compensation Commission—Tom Hoisington.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATION AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Committee Report 1b, Resolution 6a and City Attorney letters 1a and 1k were pulled from the agenda.

Speakers in regard to the Housing Ordinance (which was pulled from the agenda) were:

Mary Haney, North Lansing Community Association, who also remarked on the Labor Relations Director Ordinance.

Ellen More, 1620 Osband St., Michigan Landlords Association.

Floyd Decker, Mason, MI.

Dick Moulton, 2205 Boxwood Lane, owner of 22 rental units of housing.

Gloria Fleming, 2224 Pamela Place, though titleholders of property should be notified of problems with property.

Mark Michaels, 1207 Moores River Drive.

Rick Kibbey, 303 Shepard St.

Lynn Martinez, 1118 W. Walnut St.

Morris Horskey, 516 N. Walnut St.

Mary James, 303 N. Jenison.

Beverly Miller, North Lansing Community Association.

Sue Eby, 130 Island St.

Harry Webb, Attorney for Legal Aid, spoke regarding sub-standard housing within the city.

Terri Ayalo, 312 Sherman St.

Councilmember Worthington pointed out that there were 7,835 structures which were sub-standard in the city and 80% of these were rentals. He also spoke of the fee schedule which would pay for the program of inspections for rental units should the Ordinance be adopted.

An employee of the J & A Drain Cleaners spoke regarding claim 1a for the City Attorney letters. Claim was pulled from agenda for further study.

Judy Gardi, 137 Allen St., spoke regarding Resolution #1. Stated she had purchased the property and was renovating it to move into.

John Lockhard, 3720 Glasgo spoke regarding City Attorney letter 1k which was pulled from the agenda.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Limousine Service—Ambassador Limousine Service.

Public Driver—Harold E. West.

Referred to the Committee on General Services.

Claim filed by Mark D. Kares, 707½ Banghart St., for reimbursement of money and wallet lost when stopped by a Lansing Police Officer.

Referred to Mayor and City Attorney.

Letter from Dorothy Rasche, 1813 N. Genesee Dr., regarding violation of civil rights by Building and Safety Dept. in ordering removal of items from her yard.

Referred to the Mayor and City Attorney and Human Relations Dept.

Gloria A. Fleming, 205 S. Larch St., regarding the proposed Housing Ordinance.

Received and Placed on File with copy to the Committee on General Services.

Notice for public hearing on November 25, 1986 at the Watertown Charter Township Hall, regarding highway reconstruction on the Edwards Intercounty drain.

Received and Placed on File.

Charlene Ryckman submits letter urging legislation for licensing of cats.

Referred to the Mayor and Committee on General Services, Ingham County Board of Commissioners.

MAYOR COMMENTS ON AGENDA ITEMS:

Mayor's letters: 3a (1987 State Softball Tournaments); 3b (Request for public hearing to make-safe or demolish property located at 1247 Center, 1129 Linwood and 1113 Theodore); 3d (Recommendation City Co-sponsor Oldsmobile 90th Birthday Event.) 3e (Urban Homesteading Program — 1601 Herbert St.; 324 Isabell St.) 3h1 and 2 (Elected Officers Compensation Commission Appointments: Paulette Granberty and Louanne J. Service.)

Councilmember Lindemann left the meeting.

REPORT OF COMMITTEES

The COMMITTEE OF GENERAL SERVICES—

To whom was referred the following applications for licenses and bonds:

Vehicles for Hire: Ambassador's Limousine Services.

Public Driver: Harold E. West.

Reports as follows: That said applications be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the committee be approved.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: None.

Councilmember Lindemann returned to the meeting.

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the petition from West Northrup Street residents regarding traffic violations on their street,

Reports As Follows: The Mayor is requested to direct enforcement of speed and traffic laws by the Lansing Police Department on West Northrup Street. Further, the Mayor is requested to review with the Traffic Board an earlier citizen request for traffic control devices on this street. The Committee requests a report back from the Mayor on actions taken and recommendations following the next Traffic Board meeting.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To Whom was referred the ordinance revising Chapter 36, sections 36-3, 36-9.1, 36-9.5, 36-9.7, 36-10.1, 36-15.1, 36-16.4, 36-21.2, 36-21.3, 36-22.2,

36-22.3, 36-22.5, 36-23.2, 36-23.3, 36-24.2, 36-24.3, 36-25.2, 36-26.2, 36-27.2, 36-27.3, 36-28.2, 36-29.3, 36-30.1, 36-30.2, 36-30.3, 36-30.5, 36-30.6, 36-31.1, 36-31.2, 36-31.3, 36-32.1, 36-32.3, 36-33.1, 36-33.3, 36-34.1, 36-34.3 and 36-43 for purpose of updating and revising the Zoning Ordinance.

Reports as Follows: That said ordinance be approved.

Signed:

LUCILE E. BELEN
CHARLES M. CREAMER
ALFREDA SCHMIDT
Committee on Physical Development.

By COUNCILMEMBER CREAMER—

That the report of the committee be approved.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

The COMMITTEE OF THE WHOLE—

To whom was referred the ordinance revising Section 2-1 of Chapter 2 for the purpose of re-organizing City Labor Relations functions under the Department of Personnel and Training.

Reports as follows: That said Ordinance be approved.

Signed:

TONY BENAVIDES
LOUIS F. ADADO
ALFREDA SCHMIDT
LUCILE E. BELEN
JAMES D. BLAIR
CHARLES M. CREAMER
Committee of the Whole.

By COUNCILMEMBER ADADO—

That the report of the committee be approved.

LOST by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Lindemann—(4).

NAYS: Councilmembers Belen, Creamer Schmidt and Worthington—(4).

ABSENT: None.

REPORTS OF CITY OFFICERS AND BOARDS

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Elise Davis
In the Amount of \$400.00

Dear President Benavides and
Members of Lansing City Council:

On September 8, 1986, Elise Davis, 609 E. Hillsdale, Lansing, filed a claim for damages to her house and furnishings allegedly due to a City sewer backup into her basement on August 9 and 26, 1986.

This matter was investigated by the Public Service Department which reported that the sewer main blockage of August 9, 1986 was caused by sandbags left in the City sewer by a contractor, K & R of Grand Rapids, 3435 Broadmoor, S.E., Grand Rapids, Michigan. The claim has, therefore, been forwarded to the company for resolution with the claimant. Consequently, the Council need not take any further action at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and since this claim has been referred to the contractor, no further action needs to be taken at this time.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Jonathan Wright

Dear President Benavides and
Members of Lansing City Council:

On September 4, 1986, Jonathan W. Wright submitted a claim in the amount of \$500.06 for damage to his vehicle as the result of striking a pothole. Claimant indicates that on August 29, 1986 at approximately 5:30 p.m. while northbound on Durant he stopped for the stop sign. Claimant then proceeded to cross Saginaw Street. Claimant saw one car coming down Saginaw Street out of the corner of his eye. He accelerated a "little more" when he hit the corner of the sewer hole base.

Public Service Department records indicate that sewer crews were making repairs at the intersection of Saginaw and Durant between the period of July 14-17. The sewer hole was filled in temporarily with rejuvenated asphalt until a paving crew could make a permanent repair. A complaint was reported on September 2nd. Apparently, a pothole formed where the temporary repair was made. The pothole was again temporarily repaired on September 3rd. A permanent repair by the paving crew was performed on September 12th.

"Each governmental agency having jurisdiction over any highway shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for public travel. Any person sustaining bodily

injury or damage to his property by reason of failure of any governmental agency to keep any highway under its jurisdiction in reasonable repair, and in condition reasonably safe and fit for travel, may recover the damages suffered by him from such governmental agency." MCLA 691.1402.

The location in question was under repair by the City. A temporary repair with rejuvenated asphalt was made approximately 44 days prior to the Claimant striking said pothole. The pothole was formed where the temporary repair was made. There is no indication that the City re-checked the temporary repair even though such repairs tend to deteriorate in a fairly short period of time.

Based upon the above information, it is the recommendation of this office that this claim be granted.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$500.06 payable to Jonathan Wright.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Carl M. McMann
In the Amount of \$85.00

Dear President Benavides and
Members of Lansing City Council:

On September 8, 1986, City Council received a claim from Carl M. McMann, 307 E. Hodge Ave., for sewer cleaning costs of \$85.00. Claimant states that on three occasions he has had sewer cleaners to his home only to learn that the problem was in the City's sewer main. Claimant submits two bills for reimbursement: 1) \$40.00 dated December 26, 1985 and 2) \$45.00 dated September 2, 1986.

Investigation by the City Engineer confirms three complaints at Claimant's address in recent years. In August, 1984, the house's lead was plugged. One both December 26, 1985 and September 2, 1986, the City main was blocked, and cleared by the City upon notification. The City Engineer also reported that the number of problems experienced by Claimant was not unusual in light of the age of the sewer system in that neighborhood.

MCLA 691.1407 provides that the City of Lansing is protected by governmental immunity when engaged in a governmental function. The Michigan Supreme Court recently held in *Ross v Consumers Power Co.*, 420 Mich 554, (1985) that "governmental function" includes activities authorized by law. The construction and operation of the City's sewer system is authorized by City Charter, Chapter 3, and City Ordinance, Arti-

cle III, Sec. 27-40. Accordingly, the City is entitled to governmental immunity in this matter and is not legally obligated to pay this claim. Moreover, governmental immunity aside, there is no indication that the City was negligent in this matter.

Based on the above, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Marc Le-Main Harris

Dear President Benavides and
Members of Lansing City Council:

On September 15, 1986, Marc Le-Main Harris, 3207 Maloney, Lansing, filed a claim for hospital bills and damages to his car allegedly caused by a City truck on September 5, 1986.

This claim has been referred to Auto-Owners Insurance Company which insures the City for Physical/bodily injury automobile accident claims. Therefore, no further action need be taken by the Council at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and since this claim has been referred to Auto-Owners Insurance Company, no further action needs to be taken at this time.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of M. Stier in the Amount of \$47.50

Dear President Benavides and
Members of Lansing City Council:

On September 22, 1986, M. Stier, 1217 Loraine, Lansing, filed a claim for \$47.50 for reimbursement of drain cleaning service costs allegedly incurred to unplug her house sewer because of a 25 foot rope left by City workers in the main sewer on August 25, 1986.

This claim was investigated by the Public Service Department which reported that on August 25, 1986, the City sewer maintenance crew was in the above area performing sewer television inspection. In this operation, a cable machine pulls a rope through a length of sewer between manholes. At one of the manholes, a television camera is attached to the end of the rope. The camera is then pulled from the other manhole through the line. In this particular incident, the cable machine had pulled the rope through the sewer and left it there overnight or over the weekend as a matter of convenience for the sewer television crew. By leaving the rope, the television crew would have the rope ready for use upon return to the site. This practice, according to the Department, increases efficiency and production in this operation. The sewer maintenance supervisor reported that the main line was clear and not plugged. It is the theory of the Department that the house lead at the above address was plugged independently of the rope. When the sewer cleaner, however, augered through the house lead to the main sewer line, he also retrieved the rope intended for the television crew.

It is noted on the August 25, 1986 service report of the drain cleaner that he ran a 65 foot line twice and brought back tree roots and a 25 foot rope. It may be that the claimant's sewer was plugged only by tree roots, and thus the Department's theory is correct. The other possibility is that the City's rope contributed to plug claimant's drain. Nevertheless, *Ross v Consumers Power Co.*, 420 Mich 554, 567 (1985) held that a municipality is cloaked by statutory governmental immunity when engaged in duties required by law such as in this case by Chapter 27 of the Code of City of Lansing which obligates the City to maintain the City sewers. Therefore, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

ADOPTED by the following vote:

YEAS: Councilmembers Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(6).

NAYS: Councilmember Adado and Belen—(2).

ABSENT: None.

Discussion held.

By COUNCILMEMBER CREAMER—

I move to reconsider item 1f again.

Carried.

By COUNCILMEMBER SCHMIDT—

I move that we pay this claim in the amount of \$47.50.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Timothy Meade
In the Amount of \$29.00

Dear President Benavides and
Members of Lansing City Council:

On September 24, 1986, Lansing Fireman Timothy Mead, submitted a claim in the amount of \$29.00 for damage to his Timex watch. Fireman Meade states that his fire engine was called out to assist a Fire Department ambulance with a fight involving two victims. One of the victims punched, kicked and threw him around. Finally, with help from the Lansing Police Department the victim was subdued. During the scuffle his watch was ripped off his wrist and broken. Investigation by this office confirms Fireman Meade's account of the incident.

Where a municipal officer incurs a loss in the good faith, lawful discharge of his official duty in a matter in which the City has an interest, the City has the power to appropriate funds to reimburse him, unless expressly forbidden. The test in all such cases is, did the act done by the officer relate directly to a matter in which the city had an interest, or affect municipal rights or property, or the right or property of the citizens which the officers was charged with a duty to protect or defend. 3 McQuillin Municipal Corporations (3d ed), Section 12.137, p. 518. In Michigan, there is neither a legal prohibition against such reimbursement nor a legal obligation to reimburse. Court decisions have held that a municipality may reimburse its employees for expenses incurred in fulfilling their bonafide duties as public employees, although a municipality is not legally obligated to do so. *Horton v Kalamazoo*, 781 Mich 78 (1978).

Based on the facts presented, there appears to be no question that Fireman Mead's loss resulted in the course of the performance of his duties as a fireman and not as a result of his negligence. Therefore, the loss is eligible for reimbursement.

Nevertheless, although it may seem somewhat inequitable, it is this office's duty to advise you that on a strictly legal basis, the City is not obligated to pay this claim.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That although we are not obligated to pay this claim as the City Attorney states, I move that we do pay it and the City Clerk be and she is hereby directed to

draw a warrant on the City Treasurer in the amount of \$29.00 payable to Timothy Meade.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Council Claim of Attorney Geoffrey H.
Seidlin, on Behalf of Dale Simon, Lansing Shell
Car Wash

Dear President Benavides and
Members of Lansing City Council:

On October 6, 1986, Attorney Geoffrey H. Seidlin, 500 Michigan National Tower, filed a claim on behalf of his client, Dale Simon, owner/operator of the Lansing Shell Car Wash at 6109 South Cedar Street in Lansing. Mr. Seidlin's claim is that on July 27, 1986, a faulty City sewer system polluted his client's car wash water system preventing the operation of the business and causing \$1,437.50 in property damages.

The City is insured through Auto-Owners Insurance Company of Lansing for property damage claims over \$1,000.00. Therefore, this claim has been referred to the insurance company for resolution. No further action need be taken by the Council at this time.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and no further action needs to be taken by Council at this time due to the claim being referred to the City's insurance carrier.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Susan Hayden for
Replacement of a Garbage Can

Dear President Benavides
and Members of Lansing City Council:

Claimant requests compensation to replace a garbage "can" that was mistakenly picked up by the Refuse Department and removed with the trash. Claimant provided two (2) estimates to replace the rubberized heavy duty can of the type removed: Meijer Thrifty Acres—\$19.97 and Sears—\$16.99.

City investigation of the claim discloses that on September 9, 1986 a substitute driver on the route where claimant lives, picked up and removed with the trash at 411 N. Hayford Street, Lansing, a green rubbermaid trash container. The trash container had in it trash in an orange City bag but was not marked with "save" on the outside as requested by the Public Service Department.

In a telephone discussion with the claimant, Ms. Hayden, this office learned that she is making the claim request for Michiëlle Protzel with whom Ms. Hayden lives and to whom the container belonged. The container was purchased approximately two (2) months before the loss and had on previous occasions been placed at the curb in the same way that it was on the day of loss.

The Section 16A-9 of the Code of Ordinance provides in part, "The refuse bag or bags intended for collection or the accumulated refuse containers containing tightly sealed refuse bags shall be placed — at the curb in front of the residential unit — "(emphasis added).

Based upon the information received by this office at this time, and for the reason that the claimant did not place her trash at the curb in a prohibited manner, it is the recommendation of this office that the claim in the sum of \$16.99 be approved for Michiëlle Protzel.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be approved and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the Amount of \$16.99 payable to Michiëlle Protzel.

Carried.

November 19, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Kristin Kuerbitz
In the Amount of \$100.00.

Dear President Benavides and
Members of Lansing City Council:

On September 29, 1986, City Council received a second notice of claim from Kristin J. Kuerbitz for vehicle damage. You will recall the claimant earlier reported hitting a pothole in the area of 400-500 East Saginaw about 10:30 p.m. on May 19, 1986 while driving her Dodge Omni. Two of the car's tires were irreparably damaged and a tire rim was bent, for total damages of \$499.86. Claimant's insurance covered all but \$100.00 of that amount.

In June this office reported to City Council that no pothole complaints had been received in the area during the relevant period, but that the Board of Water and Light had made a utility cut in the area and temporarily filled it with asphalt. The Board had not informed the City of the need for a permanent, concrete surfacing because it intended to do the concrete work itself. Based on the information, the claim was referred to the Board, and City Council did not act to grant or deny the claim.

Claimant now reports the Board did not reimburse her for the outstanding \$100.00 repair cost because it

said it had repaired the cut. Claimant believes the City is liable for two reasons: 1) because the pothole had a jagged edge and she thinks a utility cut would have straight edges, and 2) because she believes the City is responsible under all circumstances for the condition of its streets even if the Board of Water and Light does the construction work in the street.

The Public Service Department follow up investigation confirmed its earlier research, that the only hole the City had notice of was the utility cut, but notes that a jagged edge is possible if the Board did not saw cut the excavated area.

Although the Public Service Department maintains the hole was the responsibility of the utility, it appears that even if that was not the case, the doctrine of governmental immunity applies. Michigan law excuses a municipality from liability for damages caused by defective highways unless it had or should have had knowledge of the defect and had reasonable time to repair it. MCLA 691.1403.

Based upon the above law and facts, it is the recommendation of this office that the claim be denied.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and this claim be denied.

Carried.

President Benavides and
Members of Lansing City Council

RE: *City of Lansing v Arvanides*
—Outside Legal Counsel

Dear President Benavides and
Members of Lansing City Council:

As I advised you, during his last week as an Assistant City Attorney with this office, Mr. Bill McCririe was involved with the trial of the above-referenced case. Because the trial was unable to be completed on the day scheduled, Judge Patrick Cherry of the 54-A District Court adjourned the matter until July 10, 1986 for completion. In the interim, Mr. McCririe left this office to accept a position with the Southfield City Attorney's Office as an Assistant City Attorney. As he was the only attorney from this office to be involved in the ongoing conduct of the trial, Mr. McCririe agreed to return, at his hourly rate as an Assistant City Attorney, to complete the trial. He did so and is requesting reimbursement for five (5) hours at \$12.50 an hour and 154 miles of travel at 22 cents per mile for a total amount of \$96.38.

Although Mr. McCririe began the above-referenced trial as a City employee, his status in finishing the trial on the final day was that of an outside attorney. Therefore, it is necessary for City Council to approve the City's utilization of his services so that he may be reimbursed. In my opinion, under the circumstances involved, it was both necessary and desirable for Mr. McCririe to complete the trial of the matter. It is also

my opinion that his charges for completing the matter are quite reasonable. Therefore, I hereby request your authorization, after the fact, to use his services in this matter and to pay him in the amount he has requested for such services.

Thank you for your consideration in this matter.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur the recommendation of the City Attorney and Mr. McCririe be reimbursed in the amount of \$96.38.

Carried.

President Benavides and
Members of Lansing City Council

RE: Bond Counsel for \$22 Million
General Obligation Street Bond Issue

Dear President Benavides and
Members of Lansing City Council

As you are aware, the voters of the City of Lansing recently approved issuance of a \$22 million general tax obligation bond issue for the purpose of constructing and improving various streets and sidewalks. To proceed with the issuance of those bonds, as authorized, in a timely manner it is necessary to obtain outside legal counsel to act as bond counsel in the matter.

Based upon proposals submitted by various firms which have offices in the City of Lansing and are qualified to act in such matters, it is the recommendation of this office and the City's Director of Finance that the City retain the law firm of Miller, Canfield, Paddock and Stone to assist and represent the City in this matter. This recommendation is based on the firm's very excellent qualifications to represent the City in this matter, the fact that it has ably represented the City in similar matters in the past and the fact that it is willing to provide all necessary services in this matter at its regular hourly rates with an absolute limit on such rates of \$7,500 plus reasonable and necessary expenses.

As the City is anxious to begin preparation of the bond issue, your expeditious consideration to this matter is respectfully requested.

Respectfull submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and retain the law firm of Miller, Canfield, Paddock and Stone as bond counsel for the \$22 Million General Obligation Street Bond Issue.

Carried.

November 21, 1986

President Benavides and
Members of Lansing City Council

RE: Village Townhouse Cooperative v City of
Lansing, Michigan Tax Tribunal
Docket No. 89068.

Dear President Benavides
and Members of the Lansing City Council:

On June 6, 1984, Village Townhouse Cooperative filed a petition with the Michigan Tax Tribunal alleging that the assessment placed upon the subject property for tax year 1984 was illegal. The assessment for tax year 1984 on the subject property was \$2,236,000. Subsequently, Petitioner amended its petition to include tax years 1985 and 1986. This office filed an Answer to the Petition stating that the assessment placed upon the subject property was valid.

Pursuant to Michigan Tax Tribunal Rules a counsel conference and a pre-hearing where held in the matter. Petitioner and the City Assessor exchanged numerous items of information and the matter was scheduled for trial on December 2, 1986.

Due to the exchange of information, a tentative settlement was reached in this matter. The tentative settlement proposes that the assessment on the subject property for 1984, 1985 and 1986 be reduced to \$1,722,000. Petitioner has agreed to waive any interest associated with the appropriate refund.

Based upon the information supplied to the City Assessor in this matter, the recent Tribunal decisions involving corporation housing and the recommendation of the City Assessor, it is the recommendation of this office that the tentative settlement as set forth above be approved.

Respectfully submitted,

STEPHEN R. SAWYER
City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the City Attorney and the tentative settlement as set forth above be approved.

Carried.

November 20, 1986

President Benavides and
Members of Lansing City Council

Dear Councilmembers:

Attached herewith are applications for Public Drivers Licenses for Arvin Lee Allen, Cheryl Lynn Adams and Philip Mark Klausung which were returned unsigned from the Lansing Police Department. They do not recommend licensing as Public Drivers under Section 33-28 (b) (3) (d).

Sincerely,
RITA M. BAUMAN
City Clerk

Referred to the City Attorney and the Committee on General Services.

Council President Benavides and
Members of the Lansing City Council:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's office by the Budget Director. (No.8)

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means.

November 19, 1986

Council President Benavides and
Members of the Lansing City Council:

Attached herewith is copy of Affidavit of Disclosure for Lucile E. Belen, Councilmember at Large.

Sincerely,

RITA M. BAUMAN
City Clerk

Received and Placed on File.

DATE: 11-20-86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: 1987 State Softball Tournaments.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means and Committee on Public Safety and Properties.

DATE: 11-20-86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Public Hearing.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and a public hearing be set for December 8,

1986 on the make-safe or demolition of property located at 1247 Center Street, 1129 Linwood and 1113 Theodore.

Carried.

DATE: 11-19-86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Correspondence from Continental Cablevision.

RE: Achievement of excellence in the communication field.

The attached correspondence is submitted for your information.

Received and placed on file.

November 19, 1986

Council President Tony Benavides
and City Councilmembers

Dear President Benavides
and Councilmembers:

I recommend that the City co-sponsor the Oldsmobile 90th Birthday event as described in the attached letter from Dick Neller.

Mr. Neller is prepared to meet with your appropriate committee(s) to discuss the nature of his request in more detail.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 11-20-86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Urban Homesteading Program
— 1610 Herbert St.
— 324 Isbell St.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

DATE: 11-20-86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 11-20-86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Correspondence from General Motors
Corporation regarding third quarter earnings
report.

The attached correspondence is submitted for
your information.

Referred to the Internal Audit Dept. and Finance
Dept. (Duarte)

November 20, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Paulette Granberry to the Elected Officers Compensation Commission. The term will expire October 1, 1993.

Ms. Granberry resides at 900 Long Blvd. #268 and is employed by the State of Michigan Department of Management and Budget as a Labor Relations Specialist.

She is an active member of the community and her expertise will be an asset to this commission.

I trust you will give careful consideration to the appointment of Ms. Paulette Granberry to the Elected Officers Compensation Commission.

Sincerely,

Terry J. McKane
Mayor

Referred to the Committee of the Whole.

November 20, 1986

Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Louanne J. Service to

the Elected Officers Compensation Commission. The term will expire October 1, 1987.

Ms. Service resides at 2017 Stirling and is employed by the Michigan Department of Civil Service as Personnel Director.

She is an active member of the community and her expertise will be an asset to this Commission.

I trust you will give careful consideration to the appointment of Ms. Louanne J. Service to the Elected Officers Compensation Commission.

Sincerely,

TERRY J. MC KANE
Mayor

Referred to the Committee of the Whole.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICE—

RESOLUTION #0535

Resolved by the City Council of the City of Lansing:

Whereas, by resolution adopted September 22, 1986, this City Council ordered the owner(s) of an unsafe and dangerous building located at 306 East Lenawee to demolish and otherwise make safe the building within 20 days from the date of the resolution; and

Whereas, following adoption of said resolution, the Director of Building Safety was responsible for monitoring the property owner's compliance with the Council order; and

Whereas, the Director of Building Safety has reported that the property owner has made substantial progress toward rehabilitation of the subject building, and has recommended that the Council grant an extension of time within which the work must be completed; and

Whereas, the Committee on General Services has reviewed the matter and concurs with the staff recommendation;

Now, Therefore, Be It Resolved the Lansing City Council hereby grants an extension of ninety (90) days from the date of adoption of this resolution for compliance with the September 22, 1986, order to demolish or otherwise make safe an unsafe and dangerous building located at 306 East Lenawee Street.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES.

RESOLUTION #0536

Resolved by City Council of the City of Lansing:

Whereas, the City of Lansing has received requeststo conduct running events in the downtown area; and

Whereas, such events can be an asset in the development of new activity and a positive image for the central city; and

Whereas, no policy currently exists on criteria for planning, approval or conduct of running events in the downtown area;

Now, Therefore, Be It Resolved the City Council hereby establishes its intent to approve one running event in the downtown area to be held in 1987, provided the event is organized and conducted in accordance with rules and guidelines to be established by the City Administration; and

Be It Further Resolved the Administration is hereby requested to develop internal procedures for evaluation of running event proposals, to develop rules and guidelines under which such events are to be organized and conducted, and to solicit proposals from organizations interested in sponsoring a major running event in the downtown area in 1987; and

Be It Finally Resolved any plans and procedures for running events in the downtown area shall incorporate the objectives from promotion of the downtown as outlined in the Administrations's letter to the City Council on this subject dated September 11, 1986.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By PUBLIC SAFETY AND PROPERTIES COMMITTEE

RESOLUTION #0537

Act-10-85

Cowles Street Vacation of Public Right-of-Way

Whereas, the Oldsmobile Division of GMC and City of Lansing Property Manager have requested that the public right-of-way located on Cowles Street, south of the North line of Grand Trunk Railroad right-of-way be vacated; and

Whereas, portions of the public right-of-way on Cowles Street were vacated in 1955 and currently there is no public access to this right of way; and

Whereas, the public right-of-way to be vacated is more properly described as:

Commencing at the SE corner of Lot 6 Block 3 thence South 330' +/- to the South line of Plat as recorded in Liber 1 of Plats page 9 thence Southeasterly to East line of Cowles Street thence North 340' +/- to the southwest corner of Lot 7 Block 4 Albert E. Cowles Subdivision, northwest to point of beginning, City of Lansing, Ingham County, Michigan;

and

Whereas, the Lansing Planning Board has reviewed this request for vacation and found that there is no public use required or intended for this right-of-way, has unanimously recommended its vacation to the interest of the adjacent propoerty owners; and

Whereas, The City Council Committee on Public Safety and Properties has reviewed this recommendation and concurs therein with the Planning Board; and

Whereas, a judgement has been issued by the Ingham County Circuit Court dated April 2, 1986, docket no. 855-55355-CA, permitting the vacation of the public right-of-way on Cowles Street as described above pursuant to Public Act 1967 No. 288, MCLA 560.101 et seq;

Now, Therefore, Be It Resolved, that the City Council of the City of Lansing hereby vacates the public right-of-way described above known as Cowles Street, and further that a copy of this resolution and a certified copy of the judgement permitting such vacation be filed with the register of deeds pursuant to Public Act 1967 No. 288, MCLA 560.101 et seq.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0538

Resolved by the City Council of the City of Lansing:

That Michael F. Smith is hereby appointed to the Downtown Mall Advisory Board as recommended by the Mayor. Term Expires February of 1987.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COUNCILMEMBER ADADO—

That we excuse Councilmember Blair from voting on this item.

Carried.

By COMMITTEE ON ECONOMIC DEVELOPMENT—

RESOLUTION #0540

Resolved by the City Council of the City of Lansing:

Whereas, by resolution adopted July 28, 1986, this City Council authorized submission of an application for a federal Urban Development Action Grant (UDAG) to assist the City of Lansing in the erection of a parking/retail facility as an integral part of a private developer's plan to revovate and equip the Olds Plaza Hotel building into a modern hotel/office/retail facility; and

Whereas, the federal Department of Housing and Urban Development (HUD), which administers the UDAG program, has notified the city that the grant application as been "held over" to the next funding cycle, and HUD staff has recommended a reduction in the UDAG request from \$2,175,000 to \$925,000 because Lansing's economic health reduces the City's ability to demonstrate need on a competitive basis with other communities; and

Whereas, reducing the requested amount of the UDAG would increase the City's chance of receiving the grant;

Now, Therefore, Be It Resolved the Lansing City Council hereby authorized the Mayor and Economic Development Corporation staff to amend the City of Lansing application for a federal UDAG as part of the Olds Plaza project by reducing the requested grant amount from \$2,175,000 to \$925,000; and

Be It Further Resolved, the Committee requests a recommendation from the Mayor regarding alternative funding sources for project completion.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: None.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0540

Resolved by the City Council of the City of Lansing:

That Mr. Ray Steeb is hereby appointed by the City Council to serve on the Capital Area Rail Council. Term indefinite.

By COUNCILMEMBER BLAIR—

That we amend this resolution as follows: after the

word "term" to drop the Word "indefinite" and the period and add "January 1, 1993."

Carried.

The resolution as amended was ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0541

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

- 1)
 - \$1,000.00 from District Ct. Probation Salaries
A/C 101-151-000-702
 - \$1,000.00 to Dist. Ct. Expenditures
A/C 101-136-000-700
(Interpretation services for witnesses during arraignments and trials.)
 - \$1,000.00 from Estimated Revenues-District Ct.
A/C 760-000-000-160
 - \$1,000.00 to Dist. Ct. Witness & Jury Fees
A/C 760-136-000-829
(Same as above.)
- 2)
 - \$7,500.00 from Gen. Fund Reserv. for Contingency
A/C 101-941-000-963
 - \$7,500.00 to District Court Expenditures
A/C 101-136-000-700
(Settlement of wrongful dismissal suit—Judy Jones.)
 - \$7,500.00 from Estivated Revenues-Dist.Court
A/C 760-000-000-160
 - \$7,500.00 to District Court Claims
A/C 760-136-000-963
(Same as above.)
- 3)
 - \$4,990.00 from Estivated Revenues-Dist. Ct.
A/C 760-000-000-160
 - \$4,990.00 to Dist. Ct.-Witness & Jury Fees
A/C 760-136-000-829
(Jury Parking Charges FY 84 \$972.75 (1/84-6/84)
FY 85 \$1,822.20 (7/84-6/85), FY 86 \$2,194.60
(7/85-6/86), Total \$4,989.55.
- \$4,990.00 from Gen. Adm. Reserv.for Contingency
A/C 101-941-000-963
 - \$4,990.00 to District Ct. Expenditures
A/C 101-136-000-700
(Same as above.)
- 4)
 - \$6,500.00 from Reserve for Contingency
A/C 101-941-000-963
 - \$6,500.00 to City Clerk Wages-Temp. Help
A/C 101-215-000-707

(Temp. help wages for November election higher than anticipated. Also, an additional \$4,500. required for temp. help to certify signatures from Lansing Taxpayers Assoc. petition drive.)

5)

\$10,000.00 from Central Garage Salaries & Longv.
A/C 101-222-000-702

\$10,000.00 to Admin. Serv. Central Garage—
Repair Parts-Fire

A/C 101-222-212-781

(Rebuilding of ladder assemblies of No. 2 & No. 8 ladders completed at a cost of \$60,218. which was not anticipated during development of the budget, but was discovered to be necessary from summer testing program. Total shortage in account \$40,000 to be supplemented by \$30,000 in fuel account.)

6)

\$32,325.00 from Reserve for Contingency
A/C 101-941-000-963

\$1,000.00 to Police-Adm. Overtime
A/C 101-305-000-708

(Estimated overtime for 2 additional officers (Park Security Officer I.)

\$22,350.00 to Police-Uniform Salaries
A/C 101-316-000-702

(Salaries for the remainder of fiscal year for 2 additional officers (Park Security Officer I.)

\$275.00 to Police-Adm. Dry Cleaning
A/C 101-305-000-725

(Dry cleaning for 2 additional officers Park Security Officer I.)

\$910.00 to Police-Adm. Holidays
A/C 101-305-000-710

(Holiday pay for 2 additional officers-Park Security Of.)

\$390.00 to Police-Personal & Train. Equip.
A/C 101-307-320-977

(Guns for 2 new Park Security I positions Park Security Officer I.)

\$5,675.00 to Police-Radio Equip.
A/C 101-308-325-977

(Walkie-Talkie sets for 2 new Park Sec. I positions.)

\$1,725.00 to Police-Oper. Support Uniforms
A/C 101-308-000-758

(Uniforms for 2 new Police Security I positions per contract.)

7)

\$100.00 from Gen. Fund Estimated Revenues
A/C 101-000-000-160

\$100.00 to Fire Adm. Citizen Contributions
A/C 101-337-000-956

(Donation from Lansing Exchange to Fire Prevention/Crime Prevention Program.)

8)

\$50,000.00 from Gen. Fund Reserve for Contingency
A/C 101-941-000-963

\$50,000.00 to Court Facility Gen.Fund-C.I.P.
A/C 101-936-713-975

(Provide funding for a feasibility study in regard to creating a consolidated court facility. Funding not released until W.F. & Means reviews & approves proposed R.F.P. prior to its issuance.)

The Balance in the Reserve for Contingency Fund after this transfer is \$559,902.00.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

APPROVED:

SIDNEY P. WORTHINGTON
JAMES D. BLAIR
Committee on Ways and Means.

By COUNCILMEMBER LINDEMANN—

That the transfer of funds be approved.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCES

By COUNCILMEMBER BELEN—

The Committees report that they had considered ordinances providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

Amending Chapter 36, Section 36-3, 36-9.1, 36-9.5, 36-9.7, 36-10.1, 36-15.1, 36-16.4, 36-21.2, 36-21.3, 36-22.2, 36-22.3, 36-22.5, 36-23.2, 36-23.3, 36-24.2, 36-24.3, 36-25.2, 36-26.2, 36-27.2, 36-27.3, 36-28.2, 36-29.3, 36-30.1, 36-30.2, 36-30.3, 36-30.5, 36-30.6, 36-31.1, 36-31.2, 36-31.3, 36-32.1, 36-32.3, 36-33.1, 36-33.3, 36-34.1, 36-34.3 and 36-43 for the purpose of updating and revising the Zoning Ordinance.

Ordinance revising Section 2-1 of Chapter 2 for the purpose of reorganizing City Labor Relations functions under the Department of Personnel and Training.

And recommend that the ordinances be passed.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Chapter 36, Sections 36-3, 36-9.1, 36-9.5, 36-9.7, 36-10.1, 36-15.1, 36-16.4, 36-21.2, 36-21.3, 36-22.2, 36-22.3, 36-22.5, 36-23.2, 36-23.3, 36-24.2, 36-24.3, 36-25.2, 36-26.2, 36-27.2, 36-27.3, 36-28.2, 36-29.3, 36-30.1, 36-30.2, 36-30.3, 36-30.5, 36-30.6, 36-31.1, 36-31.2, 36-31.3, 36-32.1, 36-32.3, 36-33.1, 36-33.3, 36-34.1, 36-34.3 and 36-43 for the purpose of updating and revising the Zoning Ordinance be placed on order of immediate passage.

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Chapter 36, Sections 36-3, 36-9.1, 36-9.5, 36-9.7, 36-10.1, 36-15.1, 36-16.4, 36-21.2, 36-21.3, 36-22.2, 36-22.3, 36-22.5, 36-23.2, 36-23.3, 36-24.2, 36-24.3, 36-25.2, 36-26.2, 36-27.2, 36-27.3, 36-28.2, 36-29.3, 36-30.1, 36-30.2, 36-30.3, 36-30.5, 36-30.6, 36-31.1, 36-31.2, 36-31.3, 36-32.1, 36-32.3, 36-33.1, 36-33.3, 36-34.1, 36-34.3 and 36-43 for the purpose of updating and revising the Zoning Ordinance be now passed.

By COUNCILMEMBER CREAMER—

That we amend Line 4, page 13, starting at "for the purpose" and delete the rest of the sentence through line 6.

Carried.

The Ordinance as amended was ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ORDINANCE NO. 735

An Ordinance of the City of Lansing, Michigan, providing that Chapter 36 of the Code of Ordinances be amended by revising Sections 36-3, 36-9.1, 36-9.5, 36-9.7, 36-10.1, 36-15.1, 36-16.4, 36-21.2, 36-21.3, 36-22.2, 36-22.3, 36-22.5, 36-23.2, 36-23.3, 36-24.2, 36-24.3, 36-25.2, 36-26.2, 36-27.2, 36-27.3, 36-28.2, 36-29.3, 36-30.1, 36-30.2, 36-30.3, 36-30.5, 36-30.6, 36-31.1, 36-31.2, 36-31.3, 36-32.1, 36-32.3, 36-33.1, 36-33.3, 36-34.1, 36-34.3 and 36-43 for the purpose of updating and revising the Zoning Ordinance.

The City of Lansing Ordains:

Section 1. That Chapter 36 of the Code of Ordinances of the City of Lansing, Michigan be amended by revising Sections 36-3, 36-9.1, 36-9.5, 36-9.7, 36-10.1, 36-15.1, 36-16.4, 36-21.2, 36-21.3, 36-22.2, 36-22.3, 36-22.5, 36-23.2, 36-23.3, 36-24.2, 36-24.3, 36-25.2, 36-26.2, 36-27.2, 36-27.3, 36-28.2, 36-29.3, 36-30.1, 36-30.2, 36-30.3, 36-30.5, 36-30.6, 36-31.1, 36-31.2, 36-31.3, 36-32.1, 36-32.3, 36-33.1, 36-33.3, 36-34.1, 36-34.3 and 36-43 to read as follows:

Section 36-3—Definitions

As used in Sections 36-1 to 36-44:

(1) **ABUTTING** means having a lot line which at not less than one point touches another property line.

(2) **ACCESSORY STRUCTURE** means a structure which is used exclusively for an accessory use.

(3) **ACCESSORY USE** means a use which meets all of the following criteria:

(a) It is clearly incidental to the principal use.

(b) It is customarily found in connection with the principal use.

(c) It is subordinate to the principal use.

(d) It is located on the same lot as the principal use, except as otherwise permitted in this Chapter.

(4) **ADJACENT** means the status of being contiguous to, abutting, or in the case of two lots, means all of the following:

(a) The first lot is directly across a public right-of-way from the second.

(b) The public right-of-way is less than one hundred (100) feet in width.

(5) **ALLEY** means any dedicated public right-of-way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

(6) **AMBULATORY HEALTH CARE FACILITY**: see Clinic.

(7) **ANIMAL HOSPITAL** means a structure or lot where animals are given medical or surgical care or treatment.

(8) **APPLICANT** means a person having a legal, equitable or leasehold interest in a lot or a representative of such person who is making a request pursuant to the provision of section 36-1 to 36-44.

(9) **ARCHITECTURAL FEATURES** means cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

(10) **ARTERIAL, MINOR** means a minor arterial as defined in the Comprehensive Plan, as amended.

(11) **ARTERIAL, PRINCIPAL** means a principal arterial as defined in the Comprehensive Plan, as amended.

(12) **AUDITORIUM** means a structure intended to present any entertainment including but not limited to, a play, musical entertainment or lecture.

(13) **AUDITORIUM, SCHOOL** means an enclosure within a school intended to present any entertainment including, but not limited to, a play, theater, musical entertainment or lecture.

(14) **AUTOMOBILE SERVICE STATION**: see Motor Vehicle Service Station.

(15) **BASEMENT/CELLAR** means that portion of a structure between floor and ceiling which is partly below and partly above grade. A basement is so located so that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

A cellar is that portion of a structure between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

(16) **BEDROOM** means a room within a dwelling unit which meets all of the following criteria:

- (a) It is intended to be used, or is used, for sleeping purposes.
- (b) It contains a floor area of not less than seventy (70) square feet.
- (c) It is not the only room in the dwelling unit; i.e., an efficiency dwelling unit.

Space and occupancy standards for a bedroom shall be as mandated by the Housing Code, Chapter 9A of the Code of Ordinances.

(17) **BENEFICIAL USER** means a person actually using a lot or structure with the permission of the person having a legal, equitable or leasehold interest in the lot.

(18) **BERM** means an earthen mound designed to separate one area from another.

(19) **BLOCK FACE** means the cumulative property on one side of a street exhibiting one of the following characteristics:

- (a) The property lying between two (2) intersecting streets or public rights-of-way; or
- (b) The property lying between an intersecting street and railroad right-of-way, river, or stream; or
- (c) The property lying between a public right-of-way, railroad right-of-way, river or stream and the corporate boundaries of the City of Lansing.

(20) **BOARDING OR LODGING HOUSE** means a structure, other than a hotel, where, for compensation, and by prearrangement for definite periods; lodging, meals, or both lodging and meals are provided for at least three (3) but not more than twenty (20) persons.

(21) **BUFFER** means a land area that separates one land use from another. This area may be landscaped and may also contain a berm, fence or other screening material.

(22) **BUILDING** means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures. A building does not include such structures with interior areas not normally accessible for human use such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

(23) **BUILDING CODE** means the Uniform Building Code as adopted and supplemented by the City of Lansing, as per Section 9-2 of the Code of Ordinances of the City of Lansing.

(24) **BUILDING HEIGHT** means the vertical distance from the grade at the front of a structure to

the highest point of the coping of a flat roof or the average height between the eaves and a ridge or to the deck line of a mansard roof or the average height between the plate and ridge of a gable, hip, or gambrel roof.

(25) **BUSINESS** means an office, commercial or industrial use entered into for the purpose of financial gain or earning a livelihood, or improving a person's economic conditions and desires.

(26) **CANOPY** means an ornamental or rooflike structure which is fastened to a structure and used for protection.

(27) **CHILD CARE FACILITY** means a facility receiving more than six (6) pre-school or school aged children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care facility includes a facility receiving more than six (6) pre-school or school aged children and which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group or drop in center. Child care facility does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite number of days, or not greater than eight (8) hours per day for a number of days not to exceed four (4) weeks, during a twelve (12) month period, of a facility operated by a religious organization where children are cared for three (3) hours or less, while persons responsible for the children are attending religious services.

(28) **CHURCH** means a structure used to conduct a religious service including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

(29) **CLINIC** means a structure where medical or dental care is furnished to persons on an outpatient basis by more than three (3) doctors or dentists.

(30) **COMPARISON RETAIL STORE** means a retail store which is not a convenience retail store.

(31) **COMPREHENSIVE PLAN** means a Master Plan described by Section 6 of Act No. 285 of the Public Acts of 1931 as amended, being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(32) **CONFORMED COPY** means an exact duplicate of the original.

(33) **CONSTRUCTION** means the putting together of materials to build a new structure or to restore, reconstruct, extend, enlarge or repair an existing structure. This definition does not apply to Sections 36-59 to 36-67 of this Chapter.

(34) **CONSTRUCTION, START OF** means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading

and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, cellar, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or part of the main structure.

For a structure (other than a mobile home) without a basement, cellar or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

For premanufactured homes, start of construction means the affixing of the premanufactured home to its permanent site. For mobile homes not within a mobile home park or mobile home subdivision, start of construction means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

(35) CONTIGUOUS means abutting.

(36) CONVALESCENT CARE HOME means a nursing care facility other than a hospital that provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury or infirmity. County medical facilities shall be deemed convalescent care homes for the purpose of this Chapter.

(37) CONVENIENCE RETAIL STORE means an establishment which primarily serves the surrounding neighborhood and includes, but is not limited to, the following:

- (a) Limited service food store.
- (b) Drug Store
- (c) Hardware store.
- (d) Barber/beauty shops.
- (e) Laundry or cleaners pickup.
- (f) Watch and shoe repair.
- (g) Jewelry Store.
- (h) Florist.
- (i) Gift Shop.
- (j) Book Store.
- (k) Clothing Store.
- (l) Photographer.
- (m) Tailor.

(n) Baked goods whose products are sold only on the premises.

(38) CUMULATIVE means increasing or enlarging by successive addition through all points in time.

(39) DAMAGED MEANS AN ITEM THAT STILL FUNCTIONS AS IT WAS INTENDED, BUT IS MISSING PARTS, OR THERE ARE PARTS THAT HAVE SUFFERED SOME DEGREE OF DESTRUCTION.

(40) DAYS means calendar days unless otherwise stated.

(41) DENSITY, GROSS means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

(42) DENSITY, NET means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a governmental entity, used as private street, or occupied by a nonresidential use.

(43) DETERIORATED MEANS AN ITEM WHICH STILL FUNCTIONS AS IT WAS INTENDED, BUT IS MISSING PARTS, OR REQUIRES SUBSTANTIAL MAINTENANCE.

(44) DIMENSIONAL PROVISION means one (1) or more of the following:

- (a) Lot area requirement.
- (b) Front yard requirement.
- (c) Side yard requirement.
- (d) Rear yard requirement.
- (e) Parking requirement.
- (f) Height restriction.

(45) DISTRICT, ZONING means an area within which certain uses of land and structures are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, structure height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

(46) DUPLEX see Dwelling, Two Family.

(47) DWELLING, MULTIPLE means a structure or portion of a structure which contains three (3) or more dwelling units.

(48) DWELLING, ONE FAMILY means a structure designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.

(49) DWELLING, TWO FAMILY means an attached or semi-detached structure used for residential occupancy by two (2) families living independently of each other. This is also known as a duplex dwelling.

(50) DWELLING UNIT means a structure or portion of a structure on a permanent foundation with one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one (1) family. Dwelling

unit includes a premanufactured unit which meets the requirements of Section 19 and 21 of Act no. 230 of the Public Acts of 1972, as amended, being Sections 125.1519 and 125.1521 of the Michigan Compiled Laws.

(51) **DWELLING UNIT, EFFICIENCY** means a dwelling unit of not more than one room in addition to a kitchen and bathroom.

(52) **EDUCATIONAL FACILITY** means a public or private institution, or a separate school or department of a school and includes an academy, college, elementary or secondary school, extension course, kindergarten, local school system, university or a business, nursing, professional, secretarial, technical or vocational school and includes an agent of an educational institution.

(53) **EXCAVATION** means any breaking of ground except for agricultural purposes, ground care and landscaping.

(54) **EXTENSION** means an addition to the floor area of an existing structure, an increase in the intensity of a use, an enlargement of land area utilized by a specific use, or an increase in the activity of a use.

(55) **FAIR MARKET VALUE** means an estimate of the actual worth of a lot, structure or combination thereof, which estimate is made by a licensed real estate broker experienced and qualified in the appraisal of real estate using appropriate appraisal techniques.

(56) **FAMILY (ALSO SEE DEFINITION 58, FAMILY, FUNCTIONAL)** consists of one of the following:

(A) **AN INDIVIDUAL,**

(B) **An individual or two (2) or more persons** related by blood, marriage or adoption, together with not more than two (2) other **UNRELATED** persons as roomers; or

(C) **TWO OR MORE PERSONS RELATED BY BLOOD, MARRIAGE OR ADOPTION WITH NOT MORE THAN TWO (2) OTHER UNRELATED PERSONS AS ROOMERS.**

(57) **FAMILY DAY CARE HOME** means a facility receiving six (6) or less pre-school or school aged children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Family Day Care Home includes a facility receiving six (6) or less preschool or school aged children and which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

(58) **FAMILY, FUNCTIONAL MEANS A GROUP OF PERSONS WHICH DO NOT MEET THE DEFINITION OF A "FAMILY" AS DEFINED HEREIN, LIVING IN A DWELLING UNITS AS A SINGLE HOUSEKEEPING UNIT AND INTENDING TO LIVE TOGETHER AS A GROUP FOR THE INDEFINITE FUTURE. THIS DEFINITION SHALL NOT INCLUDE A FRATERNITY, SORORITY, CLUB, HOTEL, OR OTHER GROUP OF PERSONS WHOSE ASSOCIATION IS TEMPORARY OR COMMERCIAL IN NATURE.**

(59) **FENCE** means a fence as defined by Section 36-146(5).

(60) **FILLING** means the permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care or landscaping.

(61) **FLOOR AREA** means the sum of the horizontal areas of each story of a structure measured from the exterior faces of the exterior walls.

(62) **FLOOR AREA, USABLE** means for the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or for the storage or processing of merchandise shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the interior faces of the exterior walls.

(63) **FUNERAL HOME** means a structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

(64) **GARAGE** means an accessory structure for the storage of motor vehicles.

(65) **GARAGE, PRIVATE** means **AN ACCESSORY STRUCTURE WHICH IS USED FOR THE STORAGE OF PRIVATE MOTOR VEHICLES.**

(66) **GARAGE, PUBLIC** means any garage other than a private garage.

(67) **GOLF COURSE** means a comparatively large, unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

(68) **GOVERNMENTAL ENTITY** means the federal government, this state or any of its instrumentalities, a county, city, township, village, school district, community college district, community hospital district, any agency authorized to exercise a governmental function in a limited geographical area, or other political subdivision, any instrumentality of one (1) or more of these units, or any of these units and one (1) or more other states or political subdivisions of those states.

(69) **GRADE** means the lowest point of elevation within the area between the exterior surface of the structure and the property line. If the property line is more than five (5) feet from the exterior surface of the structure, "grade" means the lowest point of elevation between the exterior surface of the structure and a line five (5) feet from the exterior surface of the structure.

(70) **GREENHOUSE, COMMERCIAL** means a glass or less than opaque enclosure which exceeds one hundred fifty (150) square feet in floor area and is designed or used for the cultivation or protection of plants, or a glassed enclosure regardless of size,

designed or used for the cultivation or protection of plants for commercial purposes.

(71) **HAUL ROAD** means a private road utilized by trucks, tractors, or other similar vehicles to haul materials to and/or from a construction site, borrow pit, or landfill.

(72) **HEALTH MAINTENANCE ORGANIZATION (HMO)** means a health facility or agency that:

(a) Delivers health maintenance services to enrollees, under the terms of a health maintenance contract, directly or through arrangements with affiliated providers.

(b) Is responsible for the availability, accessibility and quality of the health maintenance services provided.

(73) **HOME OCCUPATION** means a business conducted in a dwelling unit by a person with a legal or equitable interest in the dwelling unit.

(74) **HOSPITAL** means a health facility offering in patient, overnight care and services for observation, diagnosis and active treatment of human patients with a medical, surgical, obstetric, chronic or rehabilitative condition requiring the daily direction or supervision of a physician.

(75) **HOTEL** means a structure or part of a structure with a common entrance or entrances, in which the dwelling units are used primarily for transient occupancy and in which one (1) or more of the following services are offered:

(a) Maid Service.

(b) Telephone, secretarial or desk service.

(c) Furnishing of linen.

(d) Bellboy service.

A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room and may further include a guest room and suite of rooms for extended occupancy.

(76) **INTENSITY OF USE** means the amount of activity associated with a specific use. Intensity of use shall be determined by the Planning DIVISION based on the following criteria:

(a) Amount of vehicular traffic generated.

(b) Amount of pedestrian traffic generated.

(c) Noise, odor and air pollution generated.

(d) Potential for litter or debris.

(e) Type and storage of materials connected with the use.

(f) Total residential units and density if residential.

(g) Total structure coverage and structure height on the parcel.

(77) **JUNK** means any of the following products

which are stored in the open and which are damaged, deteriorated or are in such a condition that the product cannot be used for the purpose for which it was manufactured:

(a) Motor Vehicle.

(b) Machinery.

(c) Appliance.

(d) Merchandise with missing parts.

(e) Scrap metal.

(f) Scrap materials, including, but not limited to rags, paper, or building materials.

(78) **JUNK YARD** means a lot used to store or process junk.

(79) **KENNEL** means the keeping on a lot for commercial purposes four (4) or more dogs, cats or other household pets which are more than six (6) months old. Keeping includes, but is not limited to, boarding, breeding or training.

(80) **LOADING SPACE OR AREA** means an off street space on the same lot with a structure or group of structures for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and having direct and unobstructed access to a public street or alley. Unobstructed access does not preclude the use of security devices.

(81) **LOT** means a parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal structure or use and any accessory structures or by any other use or activity permitted on the parcel of land. Lot includes the open spaces and yards required under this chapter and has its frontage on a public street or road either dedicated to the public or designated on a recorded subdivision plat.

(a) **CORNER LOT** means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street is a corner lot if the radius of the arc is less than one hundred fifty (150) feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees.

(b) **INTERIOR LOT** means a lot other than a corner lot.

(c) **THROUGH LOT** means an interior lot having frontage on two (2) more or less parallel streets.

(82) **LOT AREA** means the total horizontal area within the lot lines of the lot.

(83) **LOT COVERAGE** means the part or percent of the lot area occupied by structures and hard surfaced parking areas.

(84) **LOT DEPTH** means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(85) **LOT LINES** means the lines bounding a lot.

(86) **LOT LINE, FRONT** means that line separating the lot from the right-of-way line of the street.

(87) **LOT LINE, REAR** means a lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one (1) rear lot line. In the case of a lot converging toward the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long and wholly within the lot.

(88) **LOT LINE, SIDE** means any lot line not a front line or not a rear lot line.

(89) **LOT OF RECORD** means a parcel of land which is part of a subdivision, the dimension and configuration of which has been recorded on a map in the office of the Register of Deeds for the appropriate county, or a parcel described by metes and bounds, in any instrument of conveyance recorded at the County Register of Deeds.

(90) **LOT WIDTH** means the horizontal distance from one (1) side lot line to the opposite lot line.

(91) **MAINTENANCE OF STRUCTURE** means to keep up, to keep from change, to preserve, to hold or keep in any particular state or condition, or to support what has already been brought into existence.

(92) **MOBILE HOME** means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not include a trailer.

(93) **MOBILE HOME PARK** means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any structure, building, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

(94) **MOTEL** means a series of attached, semi-detached or detached rental units containing a bedroom AND bathroom. A motel shall provide for overnight lodging WHICH is offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

(95) **MOTOR VEHICLE REPAIR STATION** means any lot on which minor repairs, described in section 36-3 (96), are performed, and, in addition, any of the following are performed: bumping, painting, replacement of body parts, engine repair other than normal tune-up repair, engine replacement, replacement of transmission or internal transmission parts, repair or engine remaking.

(96) **MOTOR VEHICLE SERVICE STATION** means any lot used for supplying gasoline, oil and minor accessories at retail directly to the customer OR which performs "minor repairs". "Minor repair" means: an engine tune up, alternator/generator replacement, rustproofing, battery replacement, fan

belt replacement, radiator hose replacement, radiator repair or replacement, tire repair or replacement, or wheel balancing, muffler and exhaust system replacement, or front end alignment.

(97) **NONCONFORMITY** means a use, structure or lot which does not conform with a use or dimensional provision or any combination of a use or dimensional provision of this Chapter, but which use, structure or land was lawfully established prior to the effectiveness date of the use or dimensional provision.

(98) **NONRESIDENTIAL USE MEANS ANY USE NOT A RESIDENTIAL USE.**

(99) **NURSERY** means any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

(100) **NURSING HOME** see Convalescent Care Home.

(101) **OCCUPANT** means a person who enters upon OR TAKES possession of a lot.

(102) **OFFICE** means a structure in which a person transacts his or her business or carries on his or her stated occupation.

(103) **OFF STREET PARKING FACILITY** means an off street parking surface lot or an off street parking structure.

(104) **OFF STREET PARKING STRUCTURE** means a structure which provides for vehicular parking spaces along with drives and aisles for maneuvering so as to provide access for the entrance and exit for the parking of two (2) or more vehicles.

(105) **OFF STREET PARKING SURFACE LOT** means the use of an area for vehicular parking spaces along with drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) vehicles on the surface of a lot.

(106) **OPEN SPACE** means that ground area and the space above that ground area which is unimpeded from the ground to the sky by any structure except that the area may be used for landscaping, recreational purposes such as swimming, shuffleboard, tennis or similar recreational uses. Parking lots and storage areas for vehicles and material shall not be considered as open space.

(107) **OPEN STORAGE MEANS ANY OF THE FOLLOWING ITEMS WHICH ARE STORED IN THE OPEN, AND WHICH ARE INOPERABLE, DAMAGED AND/OR DETERIORATED IN SUCH A CONDITION THAT THE ITEM CANNOT BE USED FOR THE PURPOSE FOR WHICH IT WAS MANUFACTURED, OR IS NOT REASONABLY ASSOCIATED WITH THE PRINCIPLE USE OF THE LOT ITSELF INCLUDING, BUT NOT LIMITED TO:**

(A) **MOTOR VEHICLE(S)**

(B) **MACHINERY**

(C) **APPLIANCE(S)**

(D) **MOTOR VEHICLE PART(S)**

(E) OTHER MATERIALS INCLUDING, BUT NOT LIMITED TO, METAL, PIPE(S), RAG(S), PAPER(S), OR OTHER BUILDING MATERIAL(S)

(108) PARKING SPACE means an area of defined length and width for the parking of motor vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

(109) PERIMETER LINE (boundary line) means the exterior limits of a lot.

(110) PERSON means an individual, agent, association, corporation, partnership, sole proprietorship, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, receiver, trust, trustee in bankruptcy, unincorporated organization, personal representative of an estate, the state or a political subdivision of the state or an agency of the state, or any other legal or commercial entity.

(111) PEAK HOUR PARKING DEMAND means the number of parking spaces required during the highest intensity of use.

(112) PLANNED DEVELOPMENT MEANS AN OFFICE, COMMERCIAL, OR INDUSTRIAL COMPLEX DEVELOPED AS A SINGLE ENTITY BY ONE PERSON, WHICH CONTAINS MORE THAN ONE (1) STRUCTURE ON A LOT, ACCESSORY STRUCTURE NOT INCLUDED.

(113) PLANNED RESIDENTIAL DEVELOPMENT means a lot which does all of the following:

(a) If the lot is zoned "DM-1" the lot is more than six (6) acres in size; if the lot is zoned "DM-2", the lot is more than four (4) acres in size; if the lot is zoned "DM-3", the lot is more than three (3) acres in size; if the lot is zoned "DM-4" the lot is more than two (2) acres in size.

(b) Has more than one (1) structure on it which is used for residential purposes; and

(c) Is planned and developed as an integral unit in a single development operation and according to the requirements of Sections 36-16 to 36-16.5.

(114) PORCH, ENCLOSED means a covered entrance to a structure which is surrounded on all sides by glass, screen, wood, brick or plastic, or other materials permitted by the building code.

(115) PORCH, OPEN means a porch that is not enclosed.

(116) PREMANUFACTURED UNIT means an assembly of materials products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content.

(117) PRINCIPAL USE means the primary, major, main, leading, outstanding, or chief use which a lot serves or is intended to serve.

(118) PROBATE means the period of probate, as defined in Act No. 642 of the Public Acts of 1978, as

amended, being Sections 700.1 et. sg. of the Michigan Compiled Laws.

(119) PUBLIC UTILITY means electric light and power companies, whether private, public, corporate or cooperative, gas companies, water, telephone, telegraph, oil, gas and pipeline companies, motor carriers and all public transportation and communication agencies other than railroads and railroad companies.

(120) RECONSTRUCTION means the act of rebuilding a structure to meet the standards of the building or housing code.

(121) RECREATIONAL FACILITY means a structure or open space which provides activities including, but not limited to, swimming, racquet sports, exercise and fitness rooms or areas and gymnasiums.

(122) REPAIR means to restore to a sound or good state after decay, injury, dilapidation or partial destruction.

(123) RESIDENTIAL CARE FACILITY means a governmental or nongovernmental establishment having as its principal function the receiving of more than six (6) persons for foster care. Foster care means the provision of supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. Residential care facility includes facilities for persons who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but do not require continuous nursing care. A residential care facility does not include any of the following:

(a) A nursing home licensed under Article 17 of Act No. 368 of the Public Acts of 1978 as amended, being sections 333.20101 to 333.22181 of the Michigan Compiled Laws.

(b) A hospital licensed under Article 17 of Act No. 368 of the Public Acts of 1978 as amended.

(c) A hospital for the mentally ill or facility for the developmentally disabled operated by the Department of Mental Health under Act No. 258 of the Public Acts of 1974 as amended, being Sections 333.1001 to 330.2106 of the Michigan Compiled Laws.

(124) RESIDENTIAL USE means a use of a lot as a single family, two family, multiple family residence, boarding or lodging house, residential care facility and their accessory uses.

(125) RESTORATION means to put into original or historic condition.

(126) RESUMPTION means to begin the use of a nonconformity after it has been previously discontinued from use.

(127) SALVAGE YARD means a lot where any product, including but not limited to any of the following are taken apart in such a way that the usable parts are separated from the non-usable:

(a) Motor vehicle

(b) Machinery

- (c) Appliance
- (d) Fixture
- (e) Goods
- (f) Merchandise

(128) **STABLE** means a structure used to keep horses for commercial purposes.

(129) **STORAGE** means the holding or safekeeping of goods to await the happening of some future event or contingency which will call for the removal of goods.

(130) **STORAGE YARD** in a "A" Residential District to a "G-1" Business District means a lot used for the holding of any type of product which product is not reasonably associated with the principal use itself. Storage Yard in a "G-2" Wholesale District, "H" Light Industrial District, and "I" Heavy Industrial District means a lot used for the holding in the open of any type of product subject to the following conditions:

(a) The product is not junk, unless the junk is associated with the normal functioning of the principal use.

(b) The lot is not used as a salvage yard.

(c) The product is not normally used in the normal functioning of the principal use.

(131) **STREET** means a public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane or court which affords the principal means of access to abutting property.

(132) **STREET, LOCAL** means a local street as defined in the comprehensive plan as amended.

(133) **STREET, PRIVATE** means a street which is not public.

(134) **STRUCTURAL ALTERATION** means any change in the supporting members of a building, such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

(135) **STRUCTURE** means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

(136) **STRUCTURE, MINOR** means a structure having a replacement cost of not more than five thousand (5,000) dollars.

(137) **STRUCTURE, TEMPORARY** means a structure which is located on a lot for a period of less than one (1) year, or, if the structure is connected with a construction activity on a lot, until the construction activity is completed.

(138) **SUBSTITUTION** means to put in place of another.

(139) **TOWNHOUSE** means a group of dwellings having common party walls with each other and normally having a basement. No dwelling in a townhouse is located above or below another dwelling.

(140) **TRAILER** means a vehicle standing on wheels or rigid supports which is used for temporary living or sleeping purposes. Trailer includes a recreational vehicle.

(141) **TRAILER CAMP** means a tract of land used or designed for the use of two (2) or more trailers as a temporary residence.

(142) **TREE** means a usually tall, woody plant characterized by a single trunk with a two (2) inch diameter measured at the time the development plan is submitted and measured three (3) feet from the base of the tree and is on the recommended tree list maintained by the City Forester.

(143) **USE** means:

(a) Any purpose for which a structure or lot may be designed, arranged, intended, maintained or occupied, or

(b) Any activity, occupation, business or operation carried on in a structure or on a lot.

(144) **YARD** means a space on a lot with a structure, which is unobstructed and unoccupied from the ground upward except as is occupied or obstructed as permitted in this chapter.

(a) **FRONT YARD** means a yard extending across the full width of a lot between the front lot line of the structure containing the principal use and the front lot line.

(b) **REAR YARD** means a yard extending the full width of a lot between the rearmost structure containing the principal use and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the structure containing the principal use.

(c) **SIDE YARD** means a space within a lot between a side lot line and a structure containing the principal use or an attached accessory structure whichever is closer to the side lot line. A side yard shall extend on each side of a lot through from the front lot line to the rear lot line of the lot.

(145) **ZONING VARIANCE** means a modification of the strict letter of this Chapter granted when by reason of exceptional conditions the strict application of the provisions of this chapter result in peculiar or exceptional, practical difficulties or unnecessary hardship to the owner of the lot.

Section 36-9—Nonconformities: Definition and Intent

(1) As used in this section:

(a) "Nonconformity" means a use, structure or lot which does not conform with a use or dimensional provision or any combination of a use or dimensional provision of this Chapter but which use, structure or lot was lawfully established prior to the effectiveness date of the use or dimensional provision.

(2) A nonconformity may be continued as described in Section 36-9.1 to 36-9.11

(3) The intent of this section is to do all of the following:

(a) To regulate a use, structure or lot, or any combination of use, structure or lot which does not conform to the terms and conditions provided in this Chapter; and

(b) To provide flexibility when regulating a nonconformity so as to permit resumption, restoration, reconstruction, extension or substitution of certain types of nonconformities.

Section 36-9.1—Groups of Nonconformities

(1) For the purpose of this Chapter, each nonconformity shall be placed into one of the following groups:

(a) "Group 1" nonconformity means a use of a lot with no structure including, but not limited to, mineral extraction, or use of a lot with only minor structures which lot does not conform to the use or dimensional provisions, or any combination of the use or dimensional provisions of this Chapter. "Minor structure" means a structure having a replacement cost of not more than five thousand dollars (\$5,000).

(b) "Group 2" nonconformity means a structure other than a building including, but not limited to, a sign, billboard or fence which does not conform to the use or dimensional provisions of this Chapter.

(c) "Group 3" nonconformity means a structure which does not, and cannot conform to the use or dimensional provisions, or any combination of the use or dimensional provisions of this Chapter. Except for a lot of record with a building on it AND A USE WHICH IS PERMITTED, AND which is located in an "A", "A-1", "B", or "C" Residential District, a "GROUP 3" nonconformity also means a lot with a building on it which does not and cannot conform to the use or dimensional provisions of this Chapter, or any combination of the use or dimensional provision of this Chapter.

(d) "Group 4" nonconformity means a structure or a lot with a building which does not conform but may be reasonably made to conform to the use or dimensional provisions or any combination of the use or dimensional provisions of this Chapter.

Section 36-9.5—Regulations Pertaining to Class "A" Nonconformities

(1) A Class A nonconformity may be restored, reconstructed, extended, or substituted, as provided in this section. A Class A nonconformity may be resumed as provided for in Section 36-9.10.

(2) A CLASS A NONCONFORMITY MAY BE REPAIRED, RESTORED, OR RECONSTRUCTED PROVIDED SUCH REPAIR, RESTORATION, OR RECONSTRUCTION DOES NOT RESULT IN ANY ENLARGEMENT OF THE STRUCTURE OR AN INCREASE IN THE INTENSITY OF USE.

(3) A Class A nonconformity damaged by fire, explosion, flood, erosion or any other catastrophe, may be restored or reconstructed if the cost of restoration or reconstruction is not more than fifty (50) percent of the nonconformity's pre-catastrophe fair market value. If damage is greater than fifty (50) percent, the

restoration or reconstruction may be permitted only by the Board of Zoning Appeals.

(4) In the case of a substitution of a Class A nonconformity, Planning Board approval, pursuant to the procedures outlined in Section 36-9.4, is required. Planning Board approval may be granted at the discretion of the Planning Board if the Planning Board determines that the new use is placed within the same Group of nonconformities as the former use, as determined under Section 36-9.2. In addition the Planning Board shall determine that the new use is not more intense than the former use.

(5) A CLASS A NONCONFORMITY MAY BE RESUMED PURSUANT TO SECTION 36-9.10(2).

Section 36-9.7—Determination of Fair Market Value and Cost of Resumption, Restoration, Reconstruction, Extension and Substitution

(1) The fair market value of a nonconformity shall be determined under this section on the basis of an appraisal by a licensed real estate broker, experienced and qualified in the appraisal of real estate. Qualifications shall be demonstrated by a person's designation by one of the nationally recognized appraisal organizations, including but not limited to the American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers, and the American Society of Appraisers.

(2) The cost of resumption, restoration, reconstruction, extension or substitution shall be determined based upon estimates of a licensed contractor or from any other evidence satisfactory to the Planning Division.

THE ESTIMATE OF THE COST OF RESUMPTION, RESTORATION, RECONSTRUCTION, EXTENSION, OR SUBSTITUTION SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(A) THE COST OF ALL MATERIALS UTILIZED.

(B) THE COST OF ALL CLEANUP AND PAINTING.

(C) THE COST OF LABOR.

(D) PROFIT AND OVERHEAD.

Section 36-10.1—Appearance Tickets for Junk Yards and Storage Yards

(1) As used in this section, "appearance ticket" means a written notice signed by a CODE COMPLIANCE officer directing a designated person to appear in the 54-A Judicial District Court at a time specified in connection with causing or permitting a junk yard or storage yard in violation of this ordinance.

(2) Pursuant to the procedures described in this SECTION, a CODE COMPLIANCE officer shall be authorized to issue and serve an appearance ticket on any person who the CODE COMPLIANCE officer has reasonable cause to believe is causing or permitting

OPEN STORAGE or A SALVAGE yard in violation of this ordinance.

(3) A CODE COMPLIANCE officer shall issue an appearance ticket by doing all of the following:

(A) The CODE COMPLIANCE officer shall fill out the appearance ticket as completely as is possible given the information available to the zoning code enforcement officer.

(B) The CODE COMPLIANCE officer shall sign the appearance ticket AS REQUIRED BY LAW.

(C) If the appearance ticket is not served upon the taxpayer as described in the Assessor's records, then a copy of the appearance ticket shall also be mailed by certified mail to the owner of record.

(4) A CODE COMPLIANCE officer shall service an appearance ticket by any of the following methods:

(A) First class or certified mail to the last known address of the person to whom the appearance ticket is being mailed.

(B) Personal service. If the CODE COMPLIANCE officer serves the appearance ticket personally, he or she shall sign a proof of service which shall be filed in the BUILDING Division.

(5) After the CODE COMPLIANCE officer issues and serves an appearance ticket, he or she shall file the original of the appearance ticket with the 54-A District Court. The CODE COMPLIANCE officer shall retain a copy on file with the BUILDING Division.

(6) After the CODE COMPLIANCE officer files a copy of the appearance ticket with 54-A District Court and at or before the time the appearance ticket is returnable, the CODE COMPLIANCE officer shall file with the 54-A District Court a complaint charging the person named in the appearance ticket with causing or permitting a junk yard or storage yard, OPEN STORAGE or A SALVAGE yard in violation of this ordinance.

(7) If after service of an appearance ticket, the defendant does appear, an examining magistrate may accept a plea of guilty or not guilty upon the appearance ticket. However, if the defendant pleads not guilty, no further proceedings may be had until a sworn complaint is filed with the magistrate.

(8) If after service of an appearance ticket and the filing of a complaint, the defendant does not appear at the time the appearance ticket is returnable, the court may issue a summons or a warrant of arrest based upon the filed complaint.

Section 36-15.1—Procedures for Obtaining a Special Land Use Permit

(1) An application for a special land use may be made by an applicant on forms provided by the Planning Division. The application shall be filed with the City Clerk and shall be accompanied by the fees established by City Council and the documents required by Section 36-14.1.

(2) The City Clerk shall refer the application described in subsection (1) to the Planning Board for

consideration and recommendation to the City Council.

(3) The Planning Board, upon receipt of an application from the City Clerk, shall publish one (1) notice in a newspaper of general circulation in the City of Lansing, that a request for a special land use approval has been received. The Planning Board shall also send a notice by first class mail to all persons to whom real property is assessed, according to the records maintained in the Office of the City Assessor within three hundred (300) feet of the boundary of the lot. If the name of the occupant is not known, the term "occupant" may be used in making notification.

(4) The notice described in subsection (3) shall be given not less than ten (10) days and not more than fifteen (15) days before the public hearing described in subsection (6).

(5) The notice shall state all of the following:

(a) Describe the nature of the special land use request.

(b) Indicate the lot which is the subject of the special land use request.

(c) State when and where the special land use request will be considered.

(d) Indicate when and where written comments concerning the request will be received.

(e) Indicate that a public hearing will be held by the Planning Board on the special land use request and give the date, time and location of the public hearing described in subsection (6).

(6) The Planning Board shall hold a public hearing for the purpose of considering the special land use request and recommend to the City Council whether it should approve, approve with conditions, or deny the special land use. In making its recommendation, the Planning Board shall consider each of the following standards:

(a) If the special land use is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

(b) If the special land use changes the essential character of the surrounding area.

(c) If the special land use interferes with the general enjoyment of adjacent property.

(d) If the special land use represents an improvement to the use or character of property under consideration and the surrounding area in general and also is in keeping with the natural environment of the lot.

(e) If the special land use is not hazardous to adjacent property, or does not involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

(f) If the special land use is adequately served by essential public facilities and services, or it is

demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.

(g) If the special land use does not place demands on public services and facilities in excess of current capacity.

(h) If the special land use is consistent with the intent and purpose of this Chapter, and the objectives of any currently adopted Comprehensive Plan.

(i) If the special land use meets the dimensional requirements of the district in which the property is located.

(7) The Planning Board shall state to the City Council, in writing, its recommendation as to each special land use request and the reasons for its recommendation.

(8) The City Council, upon receiving the recommendation from the Planning Board, shall hold a public hearing for the purpose of a de novo review of the recommendation of the Planning Board and deciding whether to concur in that recommendation.

(9) Notice that a request for special land use approval has been received by the City Council, and that a public hearing will be held shall be published in the newspaper of general circulation in the City of Lansing. Notice shall also be sent by first class mail to those persons described in subsection (3).

(10) The notice described in subsection (9) shall meet all of the requirements described in subsections (3), (4) AND (5).

(11) City Council may deny, approve or approve with conditions a request for special land use approval, based upon the standards described in subsection (6). If conditions are imposed, they shall meet the requirements of Section 36-15.2. The decision of City Council shall be reduced to writing. The writing shall state City Council's decision and shall specify the basis for the decision and conditions imposed upon the special land use, if any.

Section 36-16.4—Design Standards and Bonus Density

(1) A planned residential development shall comply with the design standards described in this section.

(2) The site perimeter shall be as follows:

(a) A planned residential development shall meet the dimensional requirements which are required in the district in which the planned residential development is located, except as provided in subdivision (b).

(b) If the height of a structure in a planned residential development is greater than the maximum allowable height of structures permitted by right in a district, then the minimum front, side and rear yard setbacks shall be increased by one (1) foot for each foot that the structure in the planned residential development exceeds the maximum allowable height permitted by right in the district. But, in no case shall the maximum height exceed the maximum height described in subsection (4).

(3) The site interior shall be as follows:

(a) Each structure in a planned residential development shall be located not less than the minimum distance from each other structure as is permitted by right in the district in which the planned residential development is located except that this distance may be reduced if the City Council determines that adequate ventilation, light, landscape, screening, buffering, fencing, building orientation, emergency vehicular access and utility easements have been provided in a manner which promotes harmonious utilization of the land.

(4) The height of structures shall be as follows:

(a) The maximum height of a structure in a planned residential development shall not exceed the maximum height permitted in the zoning district in which the planned residential development is located unless perimeter yard requirements are increased in accordance with section 36-16.4 (2)(b). However, the maximum height of a structure in a planned residential development shall not exceed one hundred fifty percent (150%) of the maximum height allowed in the zoning district in which the planned residential development is located.

(5) Open space shall be as follows:

(a) Open space, except ball fields, tennis courts, basketball courts, swimming pools, and flood plain areas shall be as evenly distributed as possible throughout the planned residential development and shall be readily accessible to all residential units.

(b) If natural site features including, but not limited to, woodlots, trees, ponds, lakes, streams, rivers, vistas and unique topographical features exist, then these features shall be preserved when practical.

(6) Soil erosion and sedimentation control shall be as follows:

(a) The Public Service Department shall issue permits pursuant to Act No. 347 of the Public Acts of 1972, as amended, being sections 282.101 to 282.117 of the Michigan Compiled Laws.

(7) Public services and facilities shall be as follows:

(a) A planned residential development shall provide adequate public services and facilities. Public services and facilities shall include, but not be limited to, storm and sanitary sewers, electric service, water service, gas service, telephone service and fire protection.

(8) Lighting shall be as follows:

(a) A planned residential development, where applicable, shall meet the safety standards for lighting of the Board of Water and Light and shall provide lighting which does not shine directly onto adjacent property.

(9) Parking shall be as follows:

(a) A planned residential development shall provide parking as required by Sections 36-42 to 36-44.

(b) Parking spaces shall be conveniently located in relation to the residential units served.

(10) Density shall be as follows:

(a) In a planned residential development, the permitted density of residential units shall be the net density permitted by right in the district in which the planned residential development is located.

(11) Bonus density options shall be as follows:

(a) The density of residential units, permitted in a planned residential development, as provided in subsection (10), may be increased under this subsection only if all the following occur:

(i) Each increase permitted by this subsections does not exceed twenty five percent (25%) of the density provided in subsection (10).

(ii) The cumulative increases permitted by this subsection do not exceed twenty five percent (25%) of the density provided in subsection (10), except as provided in subdivision (d).

(iii) The utility and facility capacity is sufficient to accommodate the increased density.

(b) Preservation of existing tree growth areas:

(i) "Tree" means a usually tall woody plant characterized by a single trunk with a two inch (2") diameter measured at the time the development plan is submitted and measured three feet (3') from the base of the tree and is on the recommended tree list maintained by the City Forester.

(ii) "Tree growth area" means the square footage area of all trees on a lot using the drip line of each as the circumference.

(iii) Density under this subdivision may be increased by the following percentage: One-half (.50) of the tree growth area of the trees to be preserved DIVIDED BY the total lot area, OR:

$$\frac{1}{2} (\text{TREE GROWTH AREA})$$

$$\text{TOTAL LOT AREA}$$

(c) Promoting energy conservation through the use of renewable AND NONRENEWABLE natural resources:

(i) "Renewable resource" means a resource which occurs in a continuous flow and continues regardless of whether it is used. Renewable resources include, but are not limited to, precipitation, water in streams and lakes, sunlight, wind, tides and climate.

(ii) "Nonrenewable resource" means a resource the total supply of which is fixed. Nonrenewable resource includes, but is not limited to; metals, mineral fuels, coal, stone, gravel, sand, and peat soils.

(iii) Density under this subdivision may be increased in the following manner:

The total number of units containing heating or air conditioning systems based wholly or in part on renewable resources

The total number of units permitted in the district in which the PRD is located

(iv) The percentage figure calculated from the process described in subparagraph (iii) indicates the percentage increase allowed. The Building Division shall inspect and approve plans for the heating and air conditioning systems which are based on renewable resources to determine their potential of operation prior to each of the following:

(a) Approval of the development plan by the City Council.

(b) Issuance of a building permit by the Building Division.

(c) Issuance of a certificate of occupancy.

(v) Density under this subdivision may be increased in the following manner:

(a) **NONRENEWABLE RESOURCE PERCENTAGE INCREASE** — The density OF THE TOTAL NUMBER OF UNITS CONTAINING HEATING OR AIR CONDITIONING SYSTEMS BASED WHOLLY OR IN PART ON NONRENEWABLE RESOURCES may be increased in this subdivision by exceeding the building envelope transmittance values as determined from procedures set forth in the "Michigan Energy Code" and in the "Code for Energy Conservation in New Building Construction." The density may be increased by the following method:

Determine the building envelope thermal transmittance value for each building type within the proposal and the percentage that that value is over the value required by the code;

Add the percentages obtained from the above to determine the percentage density increase allowed.

(b) To qualify for this bonus, the building envelope thermal transmittance values for the proposed building types must exceed those set forth in the codes. In addition, the developer must prepare a report indicating which sections of the "Code for Energy Conservation in New Building Construction" were used to determine the building envelope thermal transmittance values. Such report shall show, in sufficient detail, the necessary calculations indicating that the various building types meet or exceed the Code requirements. A licensed architect or engineer must certify that the report is accurate and that the building envelope thermal transmittance values of the various building types meet or exceed the Code Requirements. Such report shall be submitted to the Building Division, along with the necessary plans, prior to obtaining a building permit. The Building Division and Planning Division shall review and approve the report and plans before a building permit is issued. The Building Division will be responsible to perform the necessary field inspections to insure that the buildings are constructed according to the approved plan.

(d) Promoting Residential Redevelopment

(i) Density under this subdivision may be increased if the planned residential development is a "blighted area" as defined in Act No. 344 of the Public Acts of 1945, as amended, being Sections 125.71 to 125.74 of the Michigan Compiled Laws, by the following percentage:

(a) Twenty-five percent (25%) of the number of units permitted.

(ii) If an applicant uses the bonus density provided in this subdivision, then the applicant may utilize and additional ten percent (10%) bonus as provided in subdivision (11)(b) or (c) or both.

(iii) The density increase under this subdivision shall not exceed thirty-five percent (35%) of the density provided in subsection (10).

Section 36-21.2—Uses Permitted Subject to Special Conditions

(1) The conditional used described in this section shall be permitted in an "A", "A-1", and "B" Residential District if the dimensional requirements described in Sections 36-21.4 to 36-21.11, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149; the conditions imposed by this section; and all local, state and federal laws are met.

(2) An accessory structure which meets all of the following conditions shall be permitted in an "A", "A-1", and "B" Residential District:

(a) The floor area of all accessory structures located on a lot shall not exceed one thousand (1,000) square feet.

(b) Not more than one (1) accessory structure shall be a private garage.

(C) THE MAXIMUM FLOOR AREA OF A PRIVATE GARAGE LOCATED ON A LOT LESS THAN FIVE THOUSAND (5,000) SQUARE FEET IN SIZE SHALL NOT EXCEED SIX HUNDRED (600) SQUARE FEET.

(D) THE MAXIMUM FLOOR AREA OF A PRIVATE GARAGE LOCATED ON A LOT EQUAL TO OR GREATER THAN FIVE THOUSAND (5,000) SQUARE FEET IN SIZE SHALL NOT EXCEED SEVEN HUNDRED TWENTY (720) SQUARE FEET.

(E) Each accessory structure shall not be located closer than sixty (60) feet from the front lot line, nor closer than three (3) feet to a rear or side lot line unless attached to the structure containing the principal use. If an accessory structure is attached to a structure containing the principal use, it shall meet all dimensional requirements imposed upon the structure containing the principal use, EXCEPT AS PROVIDED IN SECTION 36-21.2(13).

(F) The accessory structure shall not involve the operation of a business.

(G) An accessory structure shall not be used to repair a motor vehicle belonging to a person other than a person having a legal or equitable interest in the lot on which the accessory structure is located.

(H) No accessory structure may be a public garage.

(3) A temporary structure or a temporary use, which meets all of the following conditions, shall be permitted in an "A", "A-1", and "B" Residential District:

(a) In the case of a temporary structure, a permit

has been issued by the Building Division authorizing the temporary structure.

(b) In the case of a temporary use, a permit has been issued by the Planning Division authorizing the temporary use.

(c) The person issued a permit under subdivision (a) or (b) agrees in writing to remove the temporary structure or use pursuant to the permit.

(d) The temporary use of a permanent structure as a real estate office for the purpose of marketing new residential development, which meets all of the following conditions, shall be permitted in an "A", "A-1", and "B" Residential District:

(i) The temporary use of the permanent structure is located within the residential development.

(ii) The temporary use of the permanent structure shall be removed after three (3) years, or after ninety percent (90%) of the residential development is sold, whichever comes first.

(4) A home occupation which meets all of the following conditions shall be permitted in an "A", "A-1", and "B" Residential Districts:

(a) No person, other than a member of the family residing in the dwelling unit, engages in the home occupation.

(b) The use of the dwelling unit as a home occupation is clearly incidental and subordinate to its use for residential purposes.

(c) Not more than twenty percent (20%) of the gross floor area of the dwelling unit is used in any way for the home occupation.

(d) No change occurs in the outside appearance of the dwelling.

(e) Not more than one (1) sign exists, which does not exceed one (1) square foot in area, is not illuminated, and is mounted flat against the wall of the dwelling.

(f) The sale of goods does not occur in the dwelling unit or on the lot on which the dwelling unit is located.

(g) No equipment is used except equipment which is normally used for purely domestic or household purposes. Equipment not normally used for purely domestic or household purposes may be installed if the Board of Zoning Appeals approves such use. The Board of Zoning Appeals shall approve of such use if it is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within three hundred (300) feet of the lot seeking Board of Zoning Appeals approval.

(5) A temporary bulletin board or sign, which meets all of the requirements of the Sign Code and does not exceed ten (10) square feet in area, shall be permitted in the "A", "A-1", and "B" Residential District if the sign advertises the sale or lease of a structure or lot on which the sign is located.

(6) An educational facility which meets all of the

following conditions shall be permitted in an "A", "A-1", and "B" Residential District:

(a) If the educational facility is a HIGH SCHOOL, college, university, trade or vocational school, or a community or junior college, it shall meet all of the following conditions:

(i) The lot on which the facility is located shall have not less than one (1) lot line abutting a principal arterial as designated in the Comprehensive Plan.

(ii) The primary ingress and egress to the educational facility shall be the ingress and egress connected to the principal arterial described in subdivision (i), except if approval is obtained from the Planning Board after a public hearing is held, pursuant to the procedures described in Section 36-15.1.

(7) A child care facility, which meets all of the following conditions, shall be permitted in an "A", "A-1", and "B" Residential District:

(a) The child care facility provides and maintains on the lot not less than five thousand (5,000) square feet of open space.

(b) For each child in the child care facility in excess of thirty-three (33) children, the child care facility shall provide and maintain one hundred fifty (150) additional square feet of open space.

(C) THE USE OF THE STRUCTURE AS A DAY CARE CENTER SHALL BE CLEARLY INCIDENTAL TO THE PRINCIPAL RESIDENTIAL USE.

(D) NO PERSON, OTHER THAN A MEMBER OF THE FAMILY RESIDING IN THE DWELLING MAY BE EMPLOYED.

(E) NO CHANGE OCCURS IN THE OUTSIDE APPEARANCE OF THE DWELLING.

(8) A golf course which meets all of the following conditions shall be permitted in a "A", "A-1", and "B" Residential District:

(a) The lot on which the golf course is located has not less than one (1) lot line abutting a principal or minor arterial, as defined in the Comprehensive Plan.

(b) Each vehicular ingress or egress is directly onto a principal or minor arterial, except if approval is obtained from the Planning Board after a public hearing is held pursuant to the procedures described in Section 36-15.1.

(9) An outdoor swimming pool owned and operated by a governmental entity and which meets all of the following conditions shall be permitted in an "A", "A-1", and "B" Residential District:

(a) Front, rear and side yards are not less than eighty (80) feet, except as provided in subdivision (9)(b).

(b) If a front, rear or side yard is abutting a "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district, then the yard which abuts the "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district shall meet the dimensional requirements of the district which abuts the yard.

(c) No parking exists in the front yard.

(d) No accessory structure is located in the front yard.

(10) An indoor swimming pool owned and operated by a governmental entity and which meets all of the following conditions shall be permitted in an "A", "A-1", and "B" Residential District:

(a) Front, rear and side yards are not less than twenty-five (25) feet, except as provided in subdivision (b).

(b) If a front, rear or side yard abuts a "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district, then the yard which abuts the "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district shall meet the dimensional requirements of the "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district which abuts the front, rear or side yard.

(11) A library or museum owned and operated by a governmental entity and which meets all of the following conditions shall be permitted in an "A", "A-1", and "B" Residential District:

(a) Front, rear and side yards are not less than twenty five (25) feet except as provided in subdivision (11)(b).

(b) If a front, rear or side yard abuts a "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district, then the yard which abuts the "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district shall meet the dimensional requirements of the "D-1", "E-1", "E-2", "F", "G-1", "G-2", "H", "I", or "J" district which abuts the front, rear or side yard.

(c) No parking exists in the front yard.

(d) No accessory structure is located in the front yard.

(12) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN AN "A", "A-1", AND "B" RESIDENTIAL DISTRICT:

(A) NOT MORE THAN THREE (3) PERSONS SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF THE BEDROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2).

(13) AN ATTACHED OPEN CARPORT, WHICH MEETS ALL OF THE FOLLOWING CONDITIONS, SHALL BE PERMITTED IN AN "A", "A-1", AND "B" RESIDENTIAL DISTRICT:

(A) THE CARPORT IS ATTACHED TO THE PRINCIPAL STRUCTURE.

(B) THE CARPORT HAS NO WALLS ON

TWO (2) SIDES.

(C) THE CARPORT IS AT LEAST THREE (3) FEET FROM THE SIDE LOT LINE AND SIX (6) FEET FROM THE CLOSEST POINT THAT A STRUCTURE COULD BE OR IS BUILT ON AN ADJACENT LOT.

Section 36-21.3—Special Land Uses

(1) All land uses described in this section may be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2 if the conditions described in this section for each use are met, and if all federal, state and local laws are met.

(2) A church which is located on a lot that abuts A COLLECTOR, a principal ARTERIAL, or minor arterial as defined in the Comprehensive Plan may be permitted in an "A", "A-1", and "B" Residential District if it meets the following condition:

(a) The lot is not less than two (2) acres.

(3) A private club, fraternal organization or lodge hall may be permitted in an "A", "A-1", and "B" Residential District.

(4) A structure which is used by a governmental entity may be permitted in an "A", "A-1", and "B" Residential District.

(5) A structure which is owned or operated by a public utility may be permitted in an "A", "A-1", and "B" Residential District.

(6) A residential care facility which provides care for more than six (6) persons may be permitted in an "A", "A-1", and "B" Residential District, if it meets all of the following conditions:

(a) The residential care facility provides a minimum lot area of not less than one thousand (1,000) square feet per resident.

(b) Twenty-four (24) hour supervision is maintained by a sponsoring agency.

(7) A recreational facility, not owned or operated by a governmental entity, including, but not limited to, a recreational center structure or recreational field which is intended to serve the surrounding residential area may be permitted in an "A", "A-1", and "B" Residential District.

(8) A stable where horses are boarded or are leased may be permitted in an "A", "A-1", and "B" Residential District.

(9) An off street surface parking lot may be permitted in an "A", "A-1", and "B" Residential District.

(10) A cemetery, columbarium, crematorium or mausoleum which meets all of the following conditions may be permitted in an "A", "A-1", and "B" Residential District:

(a) The lot on which the cemetery, columbarium, crematorium or mausoleum is located contains not less than fifteen (15) acres.

(b) Any columbarium or mausoleum is not located less than one hundred (100) feet from an adjacent residentially zoned lot.

(c) Not more than one (1) crematorium is permitted. No crematorium is located within four hundred (400) feet of any adjacent residentially zoned lot.

(11) An animal cemetery which meets the following condition may be located in an "A", "A-1", and "B" Residential District:

(a) The lot on which an animal cemetery is located is not less than hundred (100) feet from an adjacent residentially zoned lot.

(12) A trailer camp which meets all of the following conditions may be permitted in an "A", "A-1", and "B" Residential District:

(a) The lot on which the trailer camp is located contains not less than ten (10) acres.

(b) Each tent or trailer site on the lot contains not less than five hundred (500) square feet.

(c) City water and sewer is available to serve the lot.

(13) A commercial greenhouse or commercial nursery which meets all of the following conditions may be permitted in an "A", "A-1", and "B" Residential District:

(a) The lot on which the commercial greenhouse or nursery is located contains not less than ten (10) acres.

(b) The lot on which the commercial greenhouse or nursery is located has not less than one (1) property line which abuts a principal arterial as designated in the Comprehensive Plan. The primary access is from the principal arterial.

(14) A planned residential development which meets all of the conditions described in Sections 36-16 to 36-16.5 may be permitted in an "A", "A-1", and "B" Residential District.

Section 36-22.2—Uses Permitted Subject to Special Conditions

(1) The conditional uses described in this section shall be permitted in a "C" Residential District if the dimensional requirements described in Sections 36-22.4 to 36-22.11, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, conditions imposed by this section and all local, state and federal laws are met.

(2) Any conditional use shall be permitted in a "C" Residential District which is permitted in an "A", "A-1", and "B" Residential District, as described in Section 36-21.2, if all criteria of Section 36-21.2 are met.

(3) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN A "C" RESIDENTIAL DISTRICT.

(A) NOT MORE THAN FOUR (4) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF BEDROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-22.3—Special Land Uses

(1) All land uses described in this section may be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2 if the conditions described in this section for each use are met and if all federal, state and local laws are met.

(2) A church which is located on a lot that abuts A COLLECTOR, a principal ARTERIAL, or minor arterial as defined by the Comprehensive Plan may be permitted in a "C" Residential District if it meets the following condition:

(a) The lot is not less than 2 acres.

(3) A private club, fraternal organization or lodge hall may be permitted in a "C" Residential District.

(4) A structure which is used by a governmental entity may be permitted in a "C" Residential District.

(5) A structure which is owned or operated by a public utility may be permitted in a "C" Residential District.

(6) A residential care facility which provides care for more than six (6) persons may be permitted in a "C" Residential District if it meets all of the following conditions:

(a) The residential care facility provides a minimum lot area of not less than one thousand (1,000) square feet per resident.

(b) Twenty-four (24) hour supervision is to be maintained by a sponsoring agency.

(7) A recreational facility not owned or operated by a governmental entity including, but not limited to, recreational center structure or a recreational field may be permitted in a "C" Residential District.

(8) An off-street surface parking lot may be permitted in a "C" Residential District.

(9) A planned residential development may be permitted in a "C" Residential District, if all of the conditions described in Sections 36-16 to 36-16.5 are met.

Section 36-22.5—Lot Area Requirement

(1) A single family dwelling in a "C" Residential District shall be permitted on a lot of record.

(2) A two family dwelling shall be permitted according to the following minimum lot area requirements:

(a) For each efficiency dwelling unit there shall be twenty-four hundred (2,400) square feet of lot area.

(b) For each one bedroom dwelling unit there shall be twenty-eight hundred (2,800) square feet of lot area.

(c) FOR EACH TWO BEDROOM DWELLING UNIT THERE SHALL BE THIRTY TWO HUNDRED (3,200) SQUARE FEET OF LOT AREA.

(d) For each three bedroom dwelling unit or any unit in excess of three bedrooms, there shall be four thousand (4,000) square feet of lot area.

Section 36-23.2—Uses Permitted Subject to Special Conditions

(1) The conditional uses described in this section shall be permitted in a "DM-1" Residential District if the dimensional requirements described in Sections 36-23.4 to 36-23.11 the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) A temporary structure or a temporary use which meets all of the conditions described in Section 36-21.2 (3), shall be permitted in a "DM-1" Residential District.

(3) A home occupation which meets all the conditions described in Section 36-21.2(4) shall be permitted in a "DM-1" Residential District.

(4) A temporary bulletin board or sign which meets all of the requirements of the Sign Code shall be permitted in a "DM-1" Residential District.

(5) An educational facility which meets all of the conditions described in Section 36-21.2(6) shall be permitted in a "DM-1" Residential District.

(6) A child care facility which meets all of the conditions described in Section 36-21.2(7) shall be permitted in a "DM-1" Residential District.

(7) A golf course which meets all of the conditions described in Section 36-21.2(8) shall be permitted in a "DM-1" Residential District.

(8) An outdoor swimming pool owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(9) shall be permitted in the "DM-1" Residential District.

(9) An indoor swimming pool owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(10) shall be permitted in a "DM-1" Residential District.

(10) A library or museum owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(11) shall be permitted in a "DM-1" Residential District.

(11) More than one (1) structure containing multiple dwelling units shall be permitted on a lot which is six (6) acres or less in size.

(12) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS

SHALL BE PERMITTED IN THE "DM-1" RESIDENTIAL DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-23.3—Special Land Uses

(1) All land uses described in this section may be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2 if the conditions described in this section for each use are met and if all federal, state and local laws are met.

(2) A church which is located on a lot that abuts A COLLECTOR, a principal ARTERIAL, or minor arterial may be permitted in a "DM-1" Residential District if it meets the following condition:

(a) The lot is not less than two (2) acres.

(3) A private club, fraternal organization or lodge hall may be permitted in a "DM-1" Residential District.

(4) A structure which is used by a governmental entity may be permitted in a "DM-1" Residential District.

(5) A structure which is owned or operated by a public utility may be permitted in a "DM-1" Residential District.

(6) A mobile home park that meets the requirements of Act No. 419, of the Public Acts of 1976, as amended, being Sections 125.1101 to 125.1147 of the Michigan Compiled Laws, may be permitted in a "DM-1" Residential District if it is located on not less than fifteen (15) acres.

(7) A residential care facility which provides care for more than six (6) persons may be permitted in a "DM-1" Residential District if it meets all the following conditions:

(a) The residential care facility shall provide a minimum lot area of not less than one thousand (1,000) square feet per resident.

(b) Twenty-four (24) hour supervision shall be maintained by a sponsoring agency.

(8) A recreational facility not owned or operated by a governmental entity, including but not limited to, a recreational center structure or recreational field, may be permitted in a "DM-1" Residential District.

(9) An off street surface parking lot may be permitted in a "DM-1" Residential District.

(10) A planned residential development which meets all the conditions described in Sections 36-16 to

36-16.5 may be permitted in a "DM-1" Residential District.

Section 36-24.2—Uses Permitted Subject to Special Conditions

(1) The conditional uses described in this section shall be permitted in a "DM-2" Residential District if the dimensional requirements described in Sections 36-24.4 to 36-24.11, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) A Temporary structure or a temporary use which meets all of the conditions described in Section 36-21.2(3) shall be permitted in a "DM-2" Residential District.

(3) A home occupation which meets all the conditions described in Section 36-21.2(4) shall be permitted in a "DM-2" Residential District.

(4) A temporary bulletin board or sign which meets all of the requirements of the Sign Code shall be permitted in a "DM-2" Residential District.

(5) An educational facility which meets all of the conditions described in Section 36-21.2(6) shall be permitted in a "DM-2" Residential District.

(6) A child care facility which meets all of the conditions described in Section 36-21.2(7) shall be permitted in a "DM-2" Residential District.

(7) A golf course which meets all of the conditions described in Section 36-21.2(8) shall be permitted in a "DM-2" Residential District.

(8) An outdoor swimming pool owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(9) shall be permitted in a "DM-2" Residential District.

(9) An indoor swimming pool owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(10) shall be permitted in a "DM-2" Residential District.

(10) A library or museum owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(11) shall be permitted in a "DM-2" Residential District.

(11) More than one structure containing multiple dwelling units shall be permitted on a lot which is four (4) acres or less in size.

ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "DM-2" RESIDENTIAL DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE

MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-24.3—Special Land Uses

(1) The uses described in this section may be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in this section for each use are met and if all federal, state and local laws are met.

(2) A church which is located on a lot that abuts A COLLECTOR, a principal ARTERIAL, or minor arterial as defined in the Comprehensive Plan may be permitted in a "DM-2" Residential District if it meets the following condition:

(a) The lot is not less than 2 acres.

(3) A private club, fraternal organization or lodge hall may be permitted in a "DM-2" Residential District.

(4) A structure which is used by a governmental entity may be permitted in a "DM-2" Residential District.

(5) A structure which is owned or operated by a public utility may be permitted in a "DM-2" Residential District.

(6) A residential care facility which provides care for more than six (6) persons may be permitted in a "DM-2" Residential District if it meets all the following conditions:

(a) The residential care facility shall provide a minimum lot area of not less than one thousand (1,000) square feet per resident.

(b) Twenty-four (24) hour supervision shall be maintained by a sponsoring agency.

(7) A recreational facility not owned or operated by a governmental entity, including but not limited to, a recreational center structure or a recreational field, may be permitted in a "DM-2" Residential District.

(8) An off-street parking surface lot may be permitted in a "DM-2" Residential District.

(9) A planned residential development which meets the conditions described in Sections 36-16 to 36-16.5 may be permitted in a "DM-2" Residential District.

Section 36-25—"DM-3" Residential District.

The intent of the "DM-3" Residential District is to permit the construction or conversion of multiple dwellings which may be developed at a net density ranging from 19.8 dwelling units per acre to 39.6 dwelling units per acre.

Section 36-25.2—Uses Permitted Subject to Special Conditions

(1) The conditional uses described in this section shall be permitted in a "DM-3" Residential District if the dimensional requirements described in Sections 36-25.4 to 36-25.11, the landscaping, screening and

buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) A temporary structure or a temporary use which meets all of the conditions described in Section 36-21.2(3) shall be permitted in a "DM-3" Residential District.

(3) A home occupation which meets all the conditions described in Section 36-21.2(4) shall be permitted in a "DM-3" Residential District.

(4) A temporary bulletin board or sign which meets all of the requirements of the Sign Code shall be permitted in a "DM-3" Residential District.

(5) An educational facility which meets all of the conditions described in Section 36-21.2(6) shall be permitted in a "DM-3" Residential District.

(6) A child care facility which meets all of the conditions described in Section 36-21.2(7) shall be permitted in a "DM-3" Residential District.

(7) A golf course which meets all of the conditions described in Section 36-21.2(8) shall be permitted in a "DM-3" Residential District.

(8) An outdoor swimming pool owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(9) shall be permitted in the "DM-3" Residential District.

(9) An indoor swimming pool owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(10) shall be permitted in a "DM-3" Residential District.

(10) A library or museum owned and operated by a governmental entity which meets all of the conditions described in Section 36-21.2(11) shall be permitted in a "DM-3" Residential District.

(11) More than one structure containing multiple dwelling units shall be permitted on a lot which is three (3) acres or less in size.

(12) A church shall be permitted in a "DM-3" Residential District if it meets all the following conditions:

(a) The church is located on a COLLECTOR, A principal ARTERIAL or minor arterial as defined in the Comprehensive Plan.

(b) The lot on which the church is located meets the parking requirements of Section 36-43(2)(a). If, however, the requirements of Section 36-43(2)(a) cannot be met on the lot, off-site parking spaces may be used to meet the requirements of Section 36-43(2)(a) as follows:

(i) The off-site parking spaces are not more than three hundred (300) feet from the perimeter line of the lot on which the church is located.

(ii) The off-site parking spaces consist of either leased private parking spaces or available public parking spaces. The Planning Division shall, via the site plan review process, determine what constitutes available.

(13) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "DM-3" RESIDENTIAL DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-26.2—Uses Permitted by Special Condition

(1) The conditional uses described in this section shall be permitted in a "DM-4" Residential District if the dimensional requirements described in Sections 36-26.4 to 36-26.11, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) Any conditional use permitted in a "DM-3" Residential District may be permitted in a "DM-4" Residential District if the conditions described in Section 36-25.2 are met.

(3) A hospital which meets all of the following conditions shall be permitted in a "DM-4" Residential District:

(a) The lot on which the hospital is located shall be not less than ten (10) acres.

(b) The lot on which the hospital is located shall have not less than one (1) property line abutting a principal arterial as defined in the Comprehensive Plan. Each point of ingress and egress shall be directly from a principal or minor arterial.

(c) Ambulance or delivery area shall be obscured from residential view.

(4) A Convalescent Care Home which meets all of the following conditions shall be permitted in a "DM-4" Residential District:

(a) Each convalescent care home shall maintain fifteen hundred (1500) square feet of open space for each bed used or intended to be used. This open space shall include landscaping, and may include off-street parking, driveways, required yard setbacks, and accessory uses.

(b) A convalescent care home shall not be located on a local residential street as defined in the Comprehensive Plan.

(5) More than one structure containing multiple dwelling units shall be permitted on a lot which is two (2) acres or less in size.

(6) A church shall be permitted in the "DM-4" Residential District if it meets all of the following conditions:

(a) The church is located on a COLLECTOR,

principal ARTERIAL, or minor arterial as defined in the Comprehensive Plan.

(b) The lot on which the church is located meets the parking requirements of Section 36-43(2)(a). If, however, the requirements of Section 36-43(2)(a) cannot be met on the lot, off-site parking spaces may be used to meet the requirements of Section 36-43(2)(a) as follows:

(i) The off-site parking spaces are not more than three hundred (300) feet from the perimeter line of the lot on which the church is located.

(ii) The off-site parking spaces consist of either leased private parking spaces or available public parking spaces. The Planning Division shall, via the site plan review process, determine what constitutes available.

(7) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "DM-4" RESIDENTIAL DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-27.2—Uses Permitted Subject to Special Condition

(1) The conditional uses described in this section shall be permitted in a "D-1" Professional Office District if the dimensional requirements described in Sections 36-27.4 to 36-27.8, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section, and all local, state and federal laws are met.

(2) Any conditional use described in Section 36-26.2 shall be permitted in a "D-1" Professional Office District if the conditions for each use described in Section 36-26.2 are met.

(3) One (1) permanent sign which does not exceed twenty (20) square feet shall be permitted on the lot or structure in a "D-1" Professional Office District which meets all of the following conditions:

(a) The sign meets the requirements of the Sign Code, being Chapter 9, of the Lansing Code of Ordinances.

(b) The location of the sign does not create a traffic hazard.

(c) An illuminated sign shall not flash.

(4) A funeral home which meets all of the following conditions shall be permitted in a "D-1" Professional Office District:

(a) The lot on which the funeral home is located

shall contain not less than twenty-five thousand (25,000) square feet.

(b) An assembly area on the lot shall be provided for vehicles which are to be used in the funeral procession. This assembly area shall be in addition to required off street parking.

(c) The lot on which the funeral home is located shall have not less than one (1) lot line abutting a principal or minor arterial as defined in the Comprehensive Plan. Each point of ingress and egress shall be directly onto a principal or minor arterial.

(d) Each loading and unloading area shall be obscured from residential view.

(5) A clinic shall be permitted in a "D-1" Professional Office District which meets the following condition:

(a) The lot on which the clinic is located shall have not less than one (1) lot line abutting a principal or minor arterial, as defined in the Comprehensive Plan. Each point of ingress and egress shall be directly onto a principal or minor arterial.

(6) A RESIDENTIAL USE shall be permitted in the "D-1" Professional Office District if the following condition is met:

(a) The RESIDENTIAL USE meets the dimensional requirements of the "DM-1" Residential District.

(7) A planned development shall be permitted in the "D-1" Professional Office District if it meets the requirements of Section 36-14.

(8) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "D-1" PROFESSIONAL OFFICE DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-27.3—Special Land Uses

(1) All land uses described in this section may be permitted by the City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in this section for each use are met, and if all federal, state and local laws are met.

(2) A church which is located on a lot that abuts a COLLECTOR, a principal ARTERIAL, or minor arterial as defined by the Comprehensive Plan may be permitted in a "D-1" Professional Office District.

(3) A structure which is used by a governmental entity in a manner similar to any of the principal permit-

ted uses described in Section 36-27.1 may be permitted in a "D-1" Professional Office District subject to review by the Planning Board pursuant to Act No. 285 of the Public Acts of 1931 as amended, being Sections 125.31 to 125.45 of the Michigan Compiled Laws.

(4) A structure which is owned or operated by a public utility in a manner similar to any of the principal permitted uses described in Section 36-27.1 may be permitted in a "D-1" Professional Office District.

(5) A private club, fraternal organization or lodge hall may be permitted in a "D-1" Professional Office District.

(6) Trade associations and union halls with auditoriums may be permitted in a "D-1" Professional Office District.

(7) A surface off street parking lot may be permitted in a "D-1" Professional Office District.

(8) An experimental, research or development laboratory WHICH MAY INVOLVE TESTING, ASSEMBLAGES AND PACKAGING OF THE PRODUCTS ASSOCIATED WITH THE PRINCIPAL USE may be permitted in a "D-1" Professional Office District.

Section 36-28.2—Uses Permitted Subject to Special Condition

(1) The conditional uses described in this section shall be permitted in an "E-1" Apartment Shop District if the dimensional requirements described in Sections 36-28.4 to 36-28.7, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) Any conditional use described in Section 36-26.2 may be permitted in an "E-1" Apartment Shop District if the conditions for each use described in Section 36-26.2 are met.

(3) One (1) permanent sign which does not exceed twenty (20) square feet shall be permitted on the lot or structure in an "E-1" Apartment Shop District if the following conditions are met:

(a) The sign meets the requirements of the Sign Code, being Chapter 9, of the Lansing Code of Ordinances.

(b) The location of the sign does not create a traffic safety hazard.

(c) An illuminated sign shall not flash.

(4) A funeral home which meets all of the following conditions shall be permitted in an "E-1" Apartment Shop District:

(a) The lot on which the funeral home is located shall contain not less than twenty-five thousand (25,000) square feet.

(b) An assembly area on the premises shall be provided for vehicles which are to be used in the funeral procession. This assembly area shall be in addition to required off street parking.

(c) The lot on which the funeral home is located shall have not less than one (1) lot line abutting the COLLECTOR, principal ARTERIAL or minor arterial, as defined in the Comprehensive Plan. Each point of ingress or egress shall be directly onto a principal or minor arterial.

(d) Each loading and unloading area shall be obscured from residential view.

(5) A clinic which meets the following condition shall be permitted in an "E-1" Apartment Shop District:

(a) The lot on which the clinic is located shall have not less than one (1) lot line abutting a principal or minor arterial, as defined in the Comprehensive Plan. Each point of ingress or egress shall be directly onto a principal or minor arterial.

(6) A planned development shall be permitted in an "E-1" Apartment-Shop District if it meets the requirements of Section 36-14.

(7) A church shall be permitted in an "E-1" Apartment Shop District if it meets all of the following conditions:

(a) The church is located on a COLLECTOR, A principal ARTERIAL, or minor arterial as defined in the Comprehensive Plan.

(b) The lot on which the church is located meets the parking requirements of Section 36-43(2)(a). If, however, the requirements of Section 36-43(2)(a) cannot be met on the lot, off-site parking spaces may be used to meet the requirements of Section 36-43(2)(a) as follows:

(i) The off-site parking spaces are not more than three hundred (300) feet from the perimeter line of the lot on which the church is located.

(ii) The off-site parking spaces consist of either leased private parking spaces or available public parking spaces. The Planning Division shall, via the site plan review process, determine what constitutes available.

(8) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "E-1" APARTMENT SHOP DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-29.3—Special Land Uses

(1) All land uses described in this section shall be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in this section for

each use are met, and if all federal, state and local laws are met.

(2) A church which is on a lot that abuts a COLLECTOR, A principal ARTERIAL, or minor arterial as defined by the Comprehensive Plan may be permitted in an "E-2" Local Shopping District.

(3) A private club, fraternal organization or lodge hall may be permitted in an "E-2" Local Shopping District.

(4) A structure which is used by a governmental entity in a manner similar to any of the principal permitted uses described in Section 36-29.1 may be permitted in an "E-2" Local Shopping District subject to review by the Planning Board, pursuant to Act No. 285 of the Public Acts of 1931 as amended, being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(5) A structure owned or operated by a public utility in a manner similar to any of the principal permitted uses described in Section 36-29.1 may be permitted in an "E-2" Local Shopping District.

(6) An experimental, research or development laboratory may be permitted in an "E-2" Local Shopping District.

Section 36-30.1—Principal Uses Permitted

(1) In an "F" Commercial District the following principal uses are permitted:

(a) Any principal use permitted in an E-2 Local Shopping District.

(b) Any principal use permitted in a D-1 Professional Office District.

(c) A comparison retail store.

(d) A private club, fraternal organization or lodge hall.

(e) A restaurant, bar or tavern.

(f) A fully enclosed theater, assembly hall or concert hall.

(g) A hotel or motel.

(h) An off street parking facility.

(i) A public park and playground, except those regulated by special condition, pursuant to SECTION 36-25.2(7), (8) AND (9).

(j) Any other use which, by the decision of the Planning Board, is similar to the above principally permitted uses.

(k) An accessory structure which is customarily incidental to any of the uses permitted by this section.

Section 36-30.2—Uses Permitted Subject to Special Condition

(1) The conditional uses described in this section shall be permitted in an "F" Commercial District if

the dimensional requirements described in Sections 36-30.4 to 36-30.8, the landscaping, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) Any conditional use which is permitted in the "E-2" LOCAL SHOPPING District as described in Section 36-29.2, shall be permitted in an "F" Commercial District if all conditions of Section 36-29.2 are met.

(3) A hospital shall be permitted in the "F" Commercial District, if all the conditions described in Section 36-26.2(3) are met.

(4) A clinic shall be permitted in an "F" Commercial District if the conditions described in Section 36-27.2(7) are met.

(5) An animal hospital which provides no kennel shall be permitted in an "F" Commercial District.

(6) A kennel which meets all of the following conditions shall be permitted in an "F" Commercial District:

(a) If the lot on which the kennel is located abuts a residential use, any structure shall be set back not less than fifty (50) feet from each adjacent residential lot line.

(b) Each kennel which has an outside exercise run or treatment area shall have a lot size of not less than ten (10) acres.

(c) If a kennel has an open exercise run or treatment area, the open exercise run or treatment area shall be located not less than four hundred (400) feet from any lot line.

(7) Use of a lot for the sale of new or used automobiles, trailers, boats, farm machinery or equipment, recreational vehicles, lawn furniture, playground equipment, or garden supplies shall be permitted in an "F" Commercial District if all of the following conditions are met:

(a) The area of the lot on which the items described in subsection (7) are located shall be covered with portland cement or asphaltic concrete.

(b) Each point of vehicular ingress and egress to the lot shall be not less than sixty (60) feet from the intersection of any two (2) streets.

(c) Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure.

(d) Any lighting shall be directed away from any adjacent residential district.

(8) A RESIDENTIAL USE shall be permitted in an "F" Commercial District if the following condition is met:

(a) The RESIDENTIAL USE meets the dimensional requirements of the "DM-3" Residential District.

(9) A child care facility which meets the following

conditions shall be permitted in an "F" Commercial District:

(a) The child care facility shall provide and maintain on the lot not less than five-thousand (5,000) square feet of open space.

(b) For each child in the child care facility, in excess of thirty-three (33) children, the child care facility shall provide and maintain one hundred fifty (150) additional square feet of outdoor play area.

(10) A Planned development shall be permitted in an "F" Commercial District if it meets the requirements of Section 36-14.

(11) A Library or museum owned or operated by a governmental entity which meets all of the conditions described in Section 36-21.2(11) shall be permitted in an "F" Commercial District.

(12) A non-accessory, free-standing sign which meets the following conditions shall be permitted in an "F" Commercial District:

(a) The location of the sign shall meet the height and area requirements described in Sections 36-30.4 to 36-30.8.

(b) There shall be no more than one (1) non-accessory, free-standing sign per lot.

(14) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "F" COMMERCIAL DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-30.3—Special Land Uses

(1) The uses described in this section shall be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in this section for each use are met, and if all federal, state and local laws are met.

(2) A church which is on a lot that abuts a COLLECTOR, A principal ARTERIAL, or minor arterial as defined in the Comprehensive Plan may be permitted in an "F" Commercial District.

(3) A structure which is used by a governmental entity in a manner similar to any of the principal permitted uses described in Section 36-30.1 may be permitted in an "F" Commercial District subject to review by the Planning Board pursuant to Act No. 285 of the Public Acts of 1931, as amended, being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(4) A structure which is used by a public utility in a manner similar to any of the principal permitted uses described in Section 36-30.1 may be permitted in an "F" Commercial District subject to review by the Planning Board pursuant to Act 285 of the Public Acts of 1931, as amended, being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(5) An automotive drive-in theater may be permitted in an "F" Commercial District if it meets all the following conditions:

(a) Each point of ingress and egress shall be connected to a principal or minor arterial as defined in the Comprehensive Plan.

(b) A waiting area on the lot shall be provided for vehicles entering the theater.

(6) A trailer camp may be permitted in an "F" Commercial District if all of the conditions described in Section 36-21.3(12) are met.

(7) An experimental, research or development laboratory may be permitted in an "F" Commercial District.

Section 36-30.5—Front Yard Requirement

(1) The front yard of each lot in an "F" Commercial District shall be not less than twenty (20) feet.

(2) If a canopy is constructed in the front yard, the canopy may extend to not closer than twelve (12) feet from the front lot line.

(3) In an "F-1" Commercial District, there shall be no front yard requirement.

Section 36-30.6—Side Yard Requirement

(1) There shall be not less than one (1) side yard. Each minimum side yard may vary in size from ZERO (0) to twenty five (25) feet. This range of side yard dimension shall provide greater side yard distances for landscaping, screening and buffering in excess of the minimum requirements of Sections 36-146 to 36-149 if a land use of a more intense nature is established abutting a land use of a less intense nature. The exact footage of each side yard shall be determined by the Planning Division based upon all of the following criteria:

(a) The location and size of structures on abutting lots.

(b) The type and intensity of use on abutting lots.

(c) The size of the building or buildings on the lot for which the building permit is being sought.

(d) The site, design and layout of the structure on the lot for which the building permit is being sought, including, but not limited to, the space required for vehicular access.

(e) The design, location and type of materials used in complying with Sections 36-146 to 36-149.

(2) If the Planning Division rejects a proposed side yard dimension which is within the required range,

they shall do so in writing, giving specific reasons for denial.

Section 36-31.1—Principal Uses Permitted

In a "G-1" Business District the following principal uses are permitted:

(a) A comparison retail store.

(b) A private club, fraternal organization or lodge hall.

(c) A restaurant, bar or tavern.

(d) A fully enclosed theater, assembly hall or concert hall.

(e) A hotel or motel.

(f) A public park and playground, except those regulated by special condition, pursuant to Section 36.25.2 (7), (8) or (9).

(g) An off street parking facility

(h) Any principal use permitted in a "D-1" Professional Office District.

(i) Any principal use permitted in an "E-2" Local Shopping District.

(j) Any other use which, by a decision of the Planning Board, is similar to the above principally permitted uses.

(k) An accessory structure which is customarily incidental to any of the uses permitted by this section.

Section 36.31.2—Uses Permitted Subject to Special Condition

(1) The uses described in this section shall be permitted in a "G-1" Business District if the dimensional requirements described in Section 36-21.4, the landscape, screening and buffering requirements described in Sections 36-146 to 36-149, the conditions imposed by this section and all local, state and federal laws are met.

(2) Any conditional use shall be permitted in a "G-1" Business District which is conditionally permitted in the "E-2" Local Shopping District as described in Section 36-29.2, if all criteria of Section 36-29.2 are met.

(3) A RESIDENTIAL USE shall be permitted in a "G-1" Business District if the following condition is met:

(a) The RESIDENTIAL USE meets the lot area requirement of the "DM-4" Residential District.

(4) An educational facility shall be permitted in a "G-1" Business District if it meets the following conditions:

(a) The lot on which the facility is located shall have not less than one (1) lot line abutting a principal arterial as defined in the Comprehensive Plan.

(b) The primary ingress and egress of the educational facility shall be the ingress and egress connected to the principal arterial described in subdivision (a), except if approval is obtained from the Planning Board after a public hearing held pursuant to the procedures described in Section 36-15.1.

(5) A child care facility, which meets the following conditions, shall be permitted in a "G-1" Business District:

(a) The child care facility shall provide and maintain on the lot not less than five thousand (5,000) square feet of open space.

(b) For each child in the child care facility in excess of thirty-three (33) children, the child care facility shall provide and maintain one hundred fifty (150) additional square feet of open space.

(6) A FUNCTIONAL FAMILY WHICH MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE PERMITTED IN THE "G-1" BUSINESS DISTRICT:

(A) NOT MORE THAN FIVE (5) PERSONS PER UNIT SHALL BE ALLOWED.

(B) THE SQUARE FOOTAGE OF EACH ROOM AREA SHALL MEET THE MINIMUM REQUIREMENTS OF THE BUILDING CODE.

(C) ONE (1) OFF STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

Section 36-31.3—Special Land Uses

(1) The uses described in this section shall be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in this section for each use are met and if all federal, state and local laws are met.

(2) A church located on a lot which abuts a COLLECTOR, a principal ARTERIAL, or minor arterial as defined in the Comprehensive Plan may be permitted in the "G-1" Business District.

(3) A structure which is used by a governmental entity in a manner similar to any of the principal permitted uses described in Section 36-31.1 may be permitted subject to review by the Planning Board, pursuant to Act No. 285 of the Public Acts of 1931 as amended, being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(4) A structure which is owned or operated by a public utility in a manner similar to any of the principal permitted uses described in Section 36-31.1 may be permitted subject to review by the Planning Board pursuant to Act No. 285 of the Public Acts of 1931 as amended, being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(5) An experimental, research or development laboratory may be permitted in the "G-1" Business District.

Section 36-32—"G-2" Wholesale District

The intent of the "G-2" Wholesale District is to permit the wholesale and warehousing of products. It is the intent of the "G-2" Wholesale District to permit general retail commercial uses. It is the intent of the "G-2" Wholesale District to permit the packaging, assembly or treatment of products within an enclosed structure.

Section 36-32.1—Principal Uses Permitted

In a "G-2" Wholesale District the following principal uses are permitted:

(a) Any principal use permitted in an "F" Commercial District except residential uses and lodging houses.

(b) A storage warehouse.

(c) A wholesale business.

(d) A public garage.

(e) A public park and playground, except those regulated by special condition, pursuant to Section 36-25.2 (7), (8) or (9).

(f) An accessory structure which is customarily incidental to any use permitted in this section.

(g) Any other use which, by a decision of the Planning Board, is similar to the above principally permitted uses.

Section 36-32.3—Special Land Uses

(1) The uses described in this section shall be permitted by City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in this section for each use are met, and if all federal, state and local laws are met.

(2) A church which is located on a lot THAT abuts a COLLECTOR, A principal ARTERIAL, or minor arterial as defined by the Comprehensive Plan. Each point of ingress or egress shall be directly onto a principal or minor arterial.

(3) A structure which is used by a governmental entity in a manner similar to any of the principal permitted uses described in Section 36-32.1 may be permitted subject to review by the Planning Board pursuant to Act No. 285 of the Public Acts of 1931, as amended being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(4) A structure owned or operated by a public utility in a manner similar to any of the principal permitted uses described in Section 36-32.1 may be permitted subject to review by the Planning Board pursuant to Act No. 285 of the Public Acts of 1931, as amended being Sections 125.31 to 125.459 of the Michigan Compiled Laws.

(5) An automotive drive-in theater which meets all of the conditions described in Section 36-30.3(5) may be permitted in a "G-2" Wholesale District.

(6) A trailer camp which meets all of the conditions described in Section 36-21.3(12) may be permitted in a "G-2" Wholesale District.

Section 36-33.1—Principal Uses Permitted

In an "H" Light Industrial District the following principal uses are permitted:

(a) Any principal use permitted in the "G-2" Wholesale District.

(b) If conducted within an enclosed building, any of the following manufacturing, compounding or processing uses:

(i) The manufacturing, compounding, processing, packaging or treatment of products including, but not limited to, the following:

- (a) Bakery goods.
- (b) Candy.
- (c) Food Products.
- (d) Cosmetics.
- (e) Pharmaceuticals.
- (f) Toiletries.

(ii) Tool, die, gauge and machine shops and the manufacturing, compounding, processing or treatment of light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like, hardware and cutlery.

(iii) The manufacturing, compounding, assembling or treatment of items from the following materials which are prepared previously at another site: bone, canvas, cellophane, cloth, cork, elastomer, feathers, felt, fiber, fur, glass, hair, leather, horn, paper, plastics, rubber, precious or semi-precious metals, stones, sheet metal, forged or cast steel or iron, shells, textiles, tobacco, wax, wire, wood or yarn.

(iv) The commercial manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns which are fired only by electricity or gas.

(v) The manufacture of musical instruments, toys, novelties, metal or rubber stamps, or other small, molded rubber products.

(vi) The manufacture or assembly of electrical appliances, electronic instruments and devices or components or electronic instruments and devices, radios, televisions or phonographs.

(vii) The hot, warm and cold metal forming operations, excluding drop hammer forging.

(viii) Medical, experimental, film or testing laboratories.

(ix) The manufacture or repair of electric or neon signs.

(x) Central dry cleaning plants or laundries.

(xi) Furniture refinishing, stripping, upholstery or manufacture.

(c) Railroad and truck terminal freight facilities, railroad transfer and storage tracks or railroad rights-of-way.

(d) Any of the following public utility structures or facilities:

(i) An office

(ii) A telephone exchange building

(iii) An electrical transformer station or substation

(iv) A gas regulator station or gas tank holder

(v) A water supply plant, water tank holder, well or pumping station

(e) An off street parking facility.

(f) Oil or gas drilling AND extraction.

(g) An accessory structure or use customarily incidental to any principal use permitted in the "H" Light Industrial District, including but not limited to, a caretaker or watchperson's residence, and also including any outside or inside storage of materials or equipment used in the normal function of the principal permitted use.

(h) a non-accessory, free-standing sign.

(i) An outdoor storage or sales facility which sells new building material, sand, gravel, or lumber.

(j) The storage of a contractor's material of equipment.

(k) A use which, by the decision of the Planning Board, is similar to the uses described in this section.

Section 36-33.3—Special Land Uses

(1) All land uses described in this section may be permitted by the City Council in accordance with the procedures and conditions described in Sections 36-15 to 36-15.2, if the conditions described in Section 36-33.3 for each use are met, and if all federal, state and local laws are met.

(2) A structure which is used by a governmental entity may be permitted in an "H" Light Industrial District.

(3) An automotive drive-in theater which meets all of the following conditions may be permitted in an "H" Light Industrial District.

(a) Each point of ingress and egress shall be connected to a principal or minor arterial as defined in the Comprehensive Plan.

(b) A waiting area on the lot shall be provided for vehicles entering the theater.

(c) Any lighting shall be directed away from adjacent residential districts.

(4) A storage yard not described in Section 36-33.1 (i) and (j) may be permitted in an "H" Light Industrial District.

(5) An experimental, research or development laboratory may be permitted in an "H" Light Industrial District.

(6) A church which is on a lot that abuts a COLLECTOR, A principal ARTERIAL, or minor arterial as defined by the Comprehensive Plan may be permitted in an "H" Light Industrial District.

Section 36-34.1—Principal Uses Permitted

In an "I" Heavy Industrial District the following principal uses are permitted:

(a) Any principal use permitted in the "H" LIGHT Industrial District.

(b) Heating and electric power generating plants, public utility storage yards, sewage treatment plants, and any facility for the storage, reclamation or treating of industrial waste materials, whether publicly or privately owned.

(c) The erection, construction, alternation, conversion and/or use of structures and/or land for automobile and automotive components manufacturing and assembly plants and all manufacturing, engineering and administrative operations and accessory uses incidental thereto; and all defense material assembly and manufacturing operations to which such plants and/or structures and/or land might be converted as a result of a national defense effort.

(d) Any manufacturing process, or any industrial scrap processing, or any production, processing, cleaning, servicing, testing or repair of goods or products, or any storage of materials or equipment inside or outside an enclosure.

(e) Accessory structures and uses customarily incidental to any principal permitted use in the "I" Heavy Industrial District, including but not limited to a caretaker or watchperson's residence, and also including any outside or inside storage of materials or equipment used in the normal functioning of the principal permitted use.

(f) Uses which, by a decision of the Planning Board, are similar to the uses described in this section.

(g) OPEN STORAGE.

Section 36-34.3—Special Land Uses

(1) All land uses described in this section may be permitted by the City Council in accordance with the procedures and conditions described in Section 36-15, if the conditions described in Section 36-34.3 for each use are met, and if all federal, state, and local laws are met.

(2) A structure which is used by a governmental entity may be permitted in an "I" Heavy Industrial District.

(3) An automotive drive-in theater which meets all

of the following conditions shall be permitted in an "I" Heavy Industrial District:

(a) Each point of ingress and egress shall be connected to a principal or minor arterial as defined in the Comprehensive Plan.

(b) A waiting area on the lot shall be provided for vehicles entering the theater.

(c) Any lighting shall be directed away from adjacent residential districts.

(4) An airport, landing field, or heliport not described in Section 36-34.2(11) which meets all of the following conditions may be permitted in an "I" Heavy Industrial District:

(a) The lot on which the airport, landing field, or heliport is located shall have not less than one (1) lot line abutting a principal or minor arterial as defined in the Comprehensive Plan.

(b) Each point of vehicular ingress and egress to the lot shall be connected to a principal or minor arterial as defined in the Comprehensive Plan.

(5) A sanitary landfill may be permitted in an "I" Heavy Industrial District if written evidence is submitted to the Planning Division which indicates that all of the requirements of Act No. 641 of the Public Acts of 1978 as amended, being Sections 299.401 et seq. of the Michigan Compiled Laws, are met.

(6) The extraction or rehabilitation of a borrow pit which meets all of the following conditions may be permitted in an "I" Heavy Industrial District:

(a) The lot on which the borrow pit is located shall have at least one (1) lot line abutting a principal arterial as defined in the Comprehensive Plan.

(b) Each point of ingress and egress shall be connected to a principal arterial as defined in the Comprehensive Plan.

(c) The applicant shall submit to the Planning Division certification that all applicable state and federal laws and rules have been met.

(d) No ground shall be moved or removed within three hundred (300) feet of an abutting lot line.

(e) The Public Service Department certifies that the requirements of the Sedimentation Control Ordinance are met.

(f) Haul roads shall be treated for dust.

(g) The operation of an extraction activity shall not result in overhanging earth material which creates a situation which endangers the public health, safety and general welfare.

(h) Standing water pools greater than two (2) feet in depth shall be made safe and secure so as not to endanger the public health, safety, and general welfare.

(i) An applicant seeking a special land use for a borrow pit shall agree in writing to rehabilitate the borrow pit within a time specified by the City Council.

(j) An applicant seeking special land use for a

borrow pit shall submit a rehabilitation plan to the Planning Division. This Plan shall be approved by the City Engineer and the Planning Division, if the Plan presents a means of rehabilitating the borrow pit in a way which promotes the health, safety, and general welfare of the public. The Plan shall specify how the reclamation, rehabilitation or filling is to be accomplished and a statement as to the proposed future use of the borrow pit.

(k) An applicant seeking special land use for a borrow pit shall submit a Performance Bond to the City Treasurer in an amount which guarantees rehabilitation of the borrow pit consistent with the plan described in subdivision (6)(j).

(7) A junk yard which meets all of the following conditions may be permitted in an "I" Heavy Industrial District:

(a) The materials are enclosed by a structure or a fence not less than eight (8) feet in height that obstructs vision.

(b) The materials stored within twenty (20) feet of the fence described in subdivision (7)(a) shall not exceed the height of the fence.

(c) A plan is submitted to and approved by the Planning Division, which shows the type and location of the fence.

(d) No outdoor burning occurs on the lot on which the junk yard is located.

(8) An experimental, research or development laboratory may be permitted in an "I" Heavy Industrial District.

(9) A church which is on a lot that abuts a COLLECTOR, a principal ARTERIAL, or minor arterial as defined by the Comprehensive Plan may be permitted in an "I" Heavy Industrial District.

Section 36-43—Table Of Off Street Parking Requirements

The minimum number of parking spaces per unit of measure within each use is as follows:

(1) Residential:

(a) Residential, one family and two family

Two (2) for each dwelling unit; both parking spaces may be on an approved driveway. If both parking spaces are on an approved driveway, the measurement of the parking spaces shall start five (5) feet inside the property line. "Approved driveway" means a driveway as defined in Section 36-3.

(b) Residential, multiple family

(i) Dwelling units with two (2) or more bedrooms—two (2) spaces.

(ii) Dwelling units with one (1) bedroom—one and one-half (1.5) spaces.

(iii) Efficiency dwelling unit—one (1) space.

(c) Housing for the elderly

One (1) for each two (2) units and one (1) for each employee. Should the units no longer be used for housing for the elderly, then the requirements, for Section 36-43 (1)(b) shall be met.

(d) Trailer Park and Mobile Home Court

Parking shall be provided on a basis of two (2) spaces per lot. At least one (1) space shall be provided on each lot. To provide the balance of this requirement, parking may be provided within three hundred (300) feet of all lots it is intended to serve. All parking areas shall be clearly defined and hard-surfaced.

(e) Boarding or Lodging House

One (1) for each boarder or lodger, plus one (1) for each employee.

(F) RESIDENTIAL, FUNCTIONAL FAMILY

ONE (1) OFF-STREET PARKING SPACE FOR EACH VEHICLE ASSOCIATED WITH THE MEMBERS OF THE FUNCTIONAL FAMILY, BUT NOT LESS THAN TWO (2) SPACES.

(2) Institutional:

(a) Church, Temple or Synagogue

One (1) for each three (3) seats or six (6) linear feet of pews in the main unit of worship.

(b) Hospital

Two (2) for each one (1) bed plus the requirements for outpatient facilities and offices as described in Section 36-43(4)(d).

(c) Home for the Aged or Convalescent Home

One (1) for each two (2) beds.

(d) Schools

(i) Elementary or Junior High School: One (1) for each one (1) teacher or administrator. Additional parking required for an auditorium as described in Section 36-43(2)(l).

(ii) Senior High Schools: One (1) for each one (1) teacher or administrator and one (1) for each ten (10) students. Additional parking required for an auditorium as described in Section 36-43(2)(l).

(iii) School Auditorium: One (1) for each six (6) seats as measured by the maximum seating capacity in the largest auditorium.

(e) Day Care Center, Day Nursery or Nursery School

One (1) for each employee and one (1) for each ten (10) children, plus three (3) passenger vehicle spaces for loading and unloading of children.

(f) Private club, lodge hall or a Trade Association with an auditorium or a Union Hall with an auditorium

One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state Fire, Building or Health Codes.

(g) Swimming pool club or similar use

One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state Fire, Building or Health Codes.

(h) Tennis club or similar use

Six (6) for each court, plus one (1) for each employee.

(i) Golf course, except miniature or "par 3" courses

Six (6) for each one (1) golf hole and one (1) for each one (1) employee.

(j) Fraternity or Sorority

One (1) for each five (5) active members or one (1) for each two (2) beds, whichever is greater.

(k) Stadium, Sport Arena or similar place of outdoor assembly

One (1) for each three (3) seats.

(l) Theater and non-school Auditorium

One (1) for each three (3) seats, plus one (1) for each two (2) employees.

(m) Library, Museum and noncommercial Art Gallery

One (1) for every two hundred (200) square feet of usable floor area.

(3) Business and Commercial:

(a) Planned commercial or shopping center located in any commercial district.

One (1) for each one hundred ten (110) square feet of usable floor area.

(b) Auto Wash

One (1) for each employee, plus fifteen (15) for storage of waiting vehicles. For self-serve auto washes, four (4) waiting spaces per wash rack.

(c) Hair stylist shop

Three (3) for each of the first two (2) chairs and one and one-half (1½) for each additional chair.

(d) Bowling alley

Five (5) for each bowling lane, plus parking required by this section for any bar, restaurant or assembly space attached to a bowling alley.

(e) Dance hall, pool or billiard parlor, roller or ice skating rink, exhibition hall or assembly hall without fixed seats.

One (1) for each three (3) persons allowed within the maximum occupancy load as established by the local, county or state Fire, Building or Health Codes.

(f) An establishment which sells food which may be consumed either off or on the premises.

Fifteen (15) plus one (1) for every sixty (60) square feet of usable floor area, plus one (1) for each two (2) employees based upon the maximum employment shift.

(g) An establishment which sells food for consumption only on the premises.

One (1) for every sixty (60) square feet of usable floor area, plus one (1) for each two (2) employees based upon the maximum employment shift.

(h) An establishment which sells food for consumption only off the premises.

Fifteen (15) plus one (1) for every sixty (60) square feet of usable floor area.

(i) Furniture and appliance establishment; household equipment; repair shop; showroom of a plumber, decorator, electrician or similar trade; clothing or shoe repair shop; commercial laundry; hardware store; machinery sales establishment or other similar uses.

Four (4) for each establishment, plus one (1) space for every eight hundred (800) square feet of usable floor area.

(j) Motor vehicle service station

Two (2) for each bay and three (3) additional spaces.

(k) Motor vehicle repair station

Four (4) for each bay and five (5) additional spaces.

(l) Laundromat or coin operated dry cleaner

One (1) for each two (2) washing or dry cleaning machines.

(m) Miniature or "par 3" golf course

Three (3) for each one (1) hole, plus one (1) for each one (1) employee.

(n) Mortuary establishment

One (1) for each fifty (50) square feet of usable floor space, plus one (1) for each three (3) seats or six (6) linear feet of pews in the chapel.

(o) Motel or hotel

One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee in the largest working shift, plus space for a dining room, ballroom or meeting room as required by Section 36-43(3)(e) or Section 36-43(3)(g).

(p) Motor vehicle sales and service establishment

One (1) for each two hundred (200) square feet of usable floor space in the salesroom and two (2) for each one (1) auto service stall in the service area.

(q) Open air business establishment other than as described in Section 36-43(3)(m) or Section 36-43(3)(p).

One (1) for every five hundred (500) square feet of lot area used for retail sales or retail use.

(r) Studio; such as, dance, health, music or other similar place of instruction.

One (1) for every forty (40) square feet of usable floor area.

(s) Drive-in theater

One (1) per each customer vehicle, plus one (1) for each employee. In addition ten percent (10%) of the total vehicular capacity computed in this subsection shall be provided as waiting spaces.

(t) Retail store not specifically listed in this section.

One (1) for every one hundred fifty (150) square feet of usable floor area.

(4) Office:

(a) Bank

One (1) for every one hundred fifty (150) square feet of usable floor area.

(b) Business office or professional office, except as described in Section 36-43(4)(c) or Section 36-43(4)(d).

One (1) for every two hundred (200) square feet of usable floor area.

(c) Drive-in financial institution (bank, savings and loan office, credit union)

Waiting space equivalent to six (6) spaces for each drive-in window in addition to requirements in Section 36-43(4)(a).

(d) Professional office of doctor, dentist or similar medical profession; medical center or clinic; outpatient facilities.

One (1) for every one hundred fifty (150) square feet of usable floor area.

(5) Industrial:

(a) Industrial or research establishment

Five (5) plus one (1) space for each two (2) employees in the shift which has the greatest number of employees. Space on site shall be provided for all construction workers during periods of plant construction.

(b) Wholesale establishment

Five (5) spaces, plus one (1) space for each one (1) employee in the shift which has the greatest number of employees, or one (1) for each seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Councilmember Blair left the meeting.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising section 2-1 of Chapter 2 for the purpose of reorganizing City Labor Relations functions under the Department of Personnel and Training be placed on order or immediate passage.

By COUNCILMEMBER ADADO—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Section 2-1 of Chapter 2 for the purpose of reorganizing City Labor Relations functions under the Department of Personnel and Training be now passed.

LOST by the following vote:

YEAS: Councilmembers Adado, and Lindemann—(2).

NAYS: Councilmembers Belen, Benavides, Creamer, Schmidt, and Worthington—5.

ABSENT: None

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting letters from:

Kenneth E. Swan, retired Police Officer, requesting a raise in pension benefits for retirees.

Ray Morris, retired Police Officer, in support of a pension increase for all retired police officers and firemen.

Referred to the Committee on Ways and Means and copy to the Retirement Board.

REMARKS BY THE MAYOR

Mayor McKane announced the closing of South Washington Ave. near I-96 and announced it would reopen for Thanksgiving Day traffic.

REMARKS BY CITY COUNCIL

Councilmember Adado spoke regarding the Embassy Suites proposal. Questioned the rumor of the Building Authority and the Lansing 2000 Group reviewing the petitions submitted to City Clerk.

Councilmember Lindemann questioned Mayor McKane relative to a public forum column in the State Journal on Embassy Suites.

Councilmember Schmidt spoke regarding Charter Review and the Tri-County Consortium Board.

REMARKS FROM THE AUDIENCE

Ellen Moore, 1620 Osband St. spoke regarding a meeting to be held in early December between the Lansing Neighborhood Councils and the Landlords Association.

Beverly Miller spoke in regard to utilizing the parks for the celebration of the Sesquicentennial.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 10:25 P.M.

RITA M. BAUMAN,
City Clerk.

November 24, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, December 1, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

December 1, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by Vice President Schmidt.

Present: Councilmen Adado, Belen, Blair, Creamer, Lindemann, Schmidt, Worthington—7.

Absent: Councilmember Benavides.

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Worthington.

Pledge of Allegiance.

PUBLIC HEARINGS

December 1, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed proposed ordinance providing for the revising of Sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Development Area.

The Council President announced that if there is anyone present has any suggestions or objections to make to the proposed ordinance revisions, they will have the privilege of speaking at this time.

Jim Foulds, Planning Director spoke and explained the proposed ordinance.

Earnestine McMullin, spoke regarding CDC Board for previous Capitol Commons area.

Andrew Husband spoke as owner of four parcel of housing in area.

Emily Cunningham, 420 S. Butler.

LaDora Corey, 422 S. Butler.

Carol Brown, 923 W. Allegan,

Lorraine Gray, 226 S. Butler.

Marion Howell

Lorin Buchner, 522 W. Hillsdale.

Hulen T. Benson, 1018 W. St. Joseph.

Mrs. Johnson

Dan Colby, 522 W. Hillsdale.

Evalina Blount

Lynn Egbert, representing Greater Lansing Home Builders Association.

Councilmember Creamer announced this would be considered on Dec. 10, at 8 a.m. in the Physical Development Committee meeting.

Referred to the Committee on Physical Development.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, FOR 3 MINUTES ON ANY ONE ITEM.

Rev. Climmie Hughes spoke regarding resolution 2b Special land use for construction of a church at 5200 W. Waverly Rd.

Councilmember Belen presented the following resolution to Michael Ritter, Ron Hartman and Pat Wilson of Continental Cablevision.

RESOLUTIONS

By COMMITTEE OF THE WHOLE—

RESOLUTION #0543

Resolved by the City Council of the City of Lansing:

Whereas, *Channels* Magazine, an independent monthly periodical that covers a wide realm of information about the communications industry, conducts an annual search for individuals and companies that are truly excellent in their fields within the electronic landscape; and

Whereas, the October 1986 issue of *Channels* presented "The class of '86," a distinguished list of those who have achieved business success while maintaining a commitment to excellence; and

Whereas, Continental Cablevision was the only cable television company named to the list, citing the firm as a model cable company that is well-managed, profitable and a marketing and programming leader; and

Whereas, the City of Lansing awarded its cable television franchise to Continental Cablevision in April 1974, and has enjoyed a warm and progressive relationship with the company ever since as one of the largest cable systems owned by Continental;

Now, Therefore, Be It Resolved the Lansing City Council hereby extends warmest congratulations to Amos "Bud" Hostetter, chairman and founder of Continental Cablevision; Timothy Neher, Continental president and chief operating officer as well as former manager of the Lansing cable system; Michael Ritter, Continental vice president for the Michigan region; Ron Hartman, local district manager; and employees of Continental Cablevision, especially those service cable subscribers in Lansing, upon receiving recognition by *Channels Magazine* as a truly excellent cable television company; and

Be It Further Resolved the City Council looks forward to many more years of the cordial and successful relationship between the City of Lansing and Continental Cablevision.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Benavides—(1).

COMMUNICATIONS AND PETITIONS

2. Claims filed by:

a. Atty. Edward F. Cook for restitution of funds withheld by City of Lansing on property located at 828 Heald Place.

b. Herman Hale, 3216 S. Deerfield, for reimbursement of car wash due to sanitary sewer breaking pavement of street.

c. Patricia A. Sawyer, 1406 Loraine, for doctor and hospital bills due to fall on a city sidewalk.

Referred to the City Attorney.

3. Capitol Area Transporations Authority submits letter regarding CATA staging area in Downtown Lansing.

Referred to the Mayor and the Committee on Public Safety and Properties.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

No comments were made by Cleophus Boyd, Mayor's Executive Assistant.

REPORTS OF CITY OFFICERS AND BOARDS

November 26, 1986

President Benavides and
Members of Lansing City Council

RE: Refund of \$1,415.00 to
Uniform CPA Examination Services, Inc.

Dear President Benavides and
Members of Lansing City Council:

The Uniform CPA Examination Services, Inc. had scheduled a state licensing examination for potential CPA's to take place in the Lansing Civic Center on May 7, 1986. Subsequent to the scheduling date for the statewide CPA exam but prior to May 7, 1986, the Civic Center staff inadvertently scheduled a Ted Nugent rock concert in the Main Auditorium for the evening of May 7, 1986.

Around 3:00 p.m. the afternoon of May 7, 1986, the Ted Nugent stage crew began testing the speakers for the evening rock concert and the rock band began practicing. Due to the intensity of noise produced by the speaker testing and rock band practicing, the individuals sitting for the CPA examination were unable to fully concentrate and a number of complaints were received by both the CPA testing service and the Civic Center staff.

Although attempts were made to quiet the band, the rock band had a valid lease and insisted on fulfilling their obligation to hold a concert on May 7, 1986.

Subsequent to the May 7, 1986 date, the CPA testing service was able to identify the number of individuals who failed the CPA examination held on May 7, 1986. The CPA examination service has indicated that they are willing to hold a new examination date for the individuals who failed the May 7, 1986 exam date and would like the City to reimburse the testing service for the examination fee which is required to be paid by CPA examination applicants in order to sit for the examination. The total amount of such a reimbursement would be \$1,415.00.

Based upon the recommendation of Darrell Askie who was Civic Center Manager at the time of the May 7, 1986 incident and the facts as set forth above it is the recommendation of this office that the Uniform CPA Examination Services, Inc. be paid the sum of \$1,415.00 as reimbursement of the examination fee for those applicants who failed the May 7, 1986 CPA examination.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER WORTHINGTON—

That we concur in the recommendation of the Acting City Attorney and reimburse the Uniform CPA Examination Services, Inc. in the amount of \$1,415.00.

Carried.

November 26, 1986

DATE: 11/25/86

Mayor Terry J. McKane
Council President Antonio Benavides
and City Councilmembers

RE: Tax Increment Finance Authority
Michigan Square Project Phase I
Development Plan and Tax Increment
Finance Plan

Dear Mayor McKane
and City Councilmembers:

At a special meeting of the Tax Increment Finance Authority Board of Directors meeting, held on Wednesday, November 19, 1986, the attached copies of the Michigan Square Project Phase I Development Plan and Tax Increment Finance Plan were approved and recommended for consideration by the City Council.

Sincerely,

EMERSON B. OHL
Secretary

Referred to the Committee on Economic Development.

DATE: 11/17/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Evaluation Report for 1985-1986
Fiscal Year (Human Resources Board)

The attached correspondence is submitted for your information.

Referred to the Committee on Human Services and Intergovernmental Relations with a copy put on file.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Title Search/Board-Ups
Assessment Y-1 (\$2,165.11)

The attached assessment is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as soon as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the title Search/Board-Ups Assessments be placed on the tax roll.

Carried.

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Grass Assessment for December 1986
Tax Roll (\$4,788.70)

The attached grass assessment is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as soon as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and the grass assessment be placed on the December 1986 Tax Roll.

Carried.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-31 for December
1986 Tax Roll (\$7,514.75)

The attached trash assessment is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as soon as reasonably possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Mayor and this trash assessment be placed on the tax roll.

Carried.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Four-Way Stop:
Oakland and Stanley

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Four-Way Stop:
Massachusetts and Whyte Streets

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request;
Stoneleigh Dr. and Provincial House Dr.

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request:
Palmer and Hodge Streets

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request:
Marcus and Hayford Streets.

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request:
Rumsey Ave. and Vine St.

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request:
Alden Dr. and Plymouth Dr.

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Signs:
Clippert St. and East Grand River Ave.

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: On-Street Reserved Handicapper
Parking Requests

The attached recommendations are submitted for your action. I do not agree fully with the Traffic Board's recommendation and will be holding staff meetings on the subject; however, I don't wish to "pigeon-hole" the report in the meantime and therefore recommend that it be referred to the Public Safety and Properties Committee for future discussions.

Referred to the Committee on Public Safety and Properties.

DATE: 11/25/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: No Parking Request: Ramada Drive

The attached recommendation is submitted with my concurrence for your action.

Referred to the Committee on Public Safety and Properties.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0544

Resolved by the City Council of the City of Lansing:

That the Mayor's appointment of Randall M. Kamm to a vacant seat on the Building Board of Appeals, from a term to expire June 30, 1988, is hereby confirmed.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Benavides—(1).

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0545

SUP-6-79

Moore Living Center

Whereas, Moore Living Center has requested an increase in their capacity from 12 to 14 developmentally disabled adults at their facility at 401 West Jolly Road, and more particularly described as:

Commencing at the northwest corner of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ Section 4; thence south 330 feet, east 132 feet, north 330 feet, west 132 feet to beginning, Section 4, T3N, R2W, City of Lansing, Ingham County, Michigan; and

Whereas, this request has been reviewed by the Planning Division in accord with Section 36-15.1(6) of the Zoning Code and determined that the increase in capacity will not have an adverse affect upon the surrounding neighborhood, nor substantially increase the intensity of use; and

Whereas, the Physical Development Committee of City Council, to whom the report of the Planning Division was referred, concurs therewith;

Now, Therefore, Be It Resolved that the Council of the City of Lansing hereby approves an increase in the capacity of Moore Living Center at 401 West Jolly Road from twelve to fourteen (14) developmentally disabled adults; and

Be It Finally Resolved that the City Clerk is directed to notify the petitioner of this action and the conditions thereof.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair,

Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Benavides—(1).

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0546

SLU-7-86

5200 Block of South Waverly Road

Whereas, Shiloah Missionary Baptist Church has requested a Special Land Use Permit to construct a new church with a seating capacity of 355 persons on a 3.9 acre parcel of vacant land on the east side of the 5200 block of South Waverly Road, more particularly described as:

Lots 2 and 3 of Maple Grove Farms No. 1, a part of Section 6, T3N, R2W, City of Lansing, Ingham County, Michigan; also beginning at a point in the west line of the Maple Grove Farms No. 1, 6.2 feet north of the northwest corner of Lot 3 of said Plat; thence north $0^{\circ} 40'$ west along east ROW line (Waverly Road) 223.4 feet; thence north $89^{\circ} 20'$ east 196.4 feet to the northwest boundary of said Plat; thence south $40^{\circ} 23'$ west 296.2 feet along said boundary to place of beginning, except the south 60 feet of Lot 3 Maple Grove Farms No. 1;

and

Whereas, the Planning Board has reviewed the request and the recommendation approval giving consideration to the standards as outlined under Section 36-15.1(6) of the Zoning Code; and

Whereas, the Physical Development Committee of City Council has reviewed the recommendations of the Planning Board and concurs therewith;

Now, Therefore, Be It Resolved that the Lansing City Council approves the special land use permit for Shiloah Missionary Baptist Church to construct a new church with seating for 355 persons. The City Council considered the following standards with their approval:

1) The Board found that the proposed development will be constructed, operated and maintained in a manner that will be harmonious with the character of the adjacent property and the surrounding area.

2) The special land use approval with the condition that all the minimum Code requirements are met should not change the essential character of the surrounding area.

3) The Special land use should not interfere with the general enjoyment of the adjacent property.

4) The special land use represents an improvement to the property under consideration and the surrounding area in general.

5) This special land used should not be hazardous to the adjacent property since it does not involve uses,

activities, materials or equipment with are detrimental to the health, safety and welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

6) The special land use can be adequately served by the essential public facilities and services.

7) Approval of this project with not place demands on public services and facilities in excess of current capacities.

8) The special land use is consistent with the intent and purpose of this chapter and the objectives of any currently adopted comprehensive plan.

9) Approval of this special land use will meet the dimensional requirements of the district in which the property is located; i.e., it indicated in the Zoning Code that the development of Church sites shall contain at least two (2) acres of land and have direct access to a major arterial. This proposed development site does meet the basic criteria; and

Be It Finally Resolved that the City Clerk be directed to notify the petitioner of said action.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Benavides—(1).

By COUNCILMEMBER CREAMER—

That we substitute this Resolution for the one in the packet.

Carried.

RESOLUTION #0547

SLU-11-86
1900 South Cedar Street

Whereas, the Eyde Company has requested approval of a special land use for property located at 1900 South Cedar Street, formerly Walter French Junior High School, and more particularly described as:

Commencing 7 feet south of the northeast corner of Lot 8; thence west 79 feet + / - to the west line of Lot 8, south 3 feet, west 574.14 feet to a point 10 feet south and 100 feet east of the northwest corner of Lot 5, south 162 feet, west 100 feet, south 110 feet, west 100 feet, south 55 feet, east 100 feet, south 132.2 feet, east 268.84 feet, south 350.3 feet, east 197 feet to the northwest corner of Lot 17, south 123.75 feet, east 40 feet, north 123.75 feet, east 170.5 feet to the southeast corner of Lot 13, north 0° 24' west 433.35 feet, north 12° 08' east 385.9 feet to beginning, Assessor's Plat #46, City of Lansing, Ingham County, Michigan;

for the purpose of establishing a research and assembly operation for small computer parts within the existing building; and

Whereas, the Planning Board recommended approval of the special land use request, giving consideration to the standards as outlined under Section 36-15.1(6) of the Zoning Code; and

Whereas, the Physical Development Committee of Council has reviewed the recommendations of the Planning Board and concur therewith;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the special land use permit for the Eyde Company to establish a research and assembly operation on the above-described property, subject to the following conditions:

1. The proposed development shall be designed, constructed, operated and maintained in a manner that will be harmonious with the character of the adjacent property and the surrounding area.

2. The special land use shall not cause any major change in the character of the surrounding area.

3. Approval of the special land use shall not interfere with the general enjoyment of the adjacent property.

4. Necessary easements shall be provided for installation of utilities.

5. Compliance with the requirements of all responding agencies; and

Be It Finally Resolved the City Clerk is hereby directed to notify the petitioner of this action.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Benavides—(1).

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0548

Resolved by the City Council of the City of Lansing:

Whereas, on January 21, 1986, the City Council approved the City of Lansing's application for the Housing and Urban Development Urban Homesteading Program; and

Whereas, the Development Division inspected several properties referred by the FHA Regional Office, and

Whereas, properties located at 1601 Herbert Street and 324 Isbell Street were found to be suitable for the City's Urban Homesteading Program; and

Whereas, the Development Division held separate lotteries to determine the potential homesteaders; and

Whereas, Curtis and Roxane Tolbert were chosen for 1601 Herbert Street as potential homesteaders; and

Whereas, Judith L. Reimbold was chosen for 324 Bell Street as potential homesteader; and

Whereas, the City Charter of the City of Lansing, Michigan, requires that all sales of City properties be approved by City Council;

Now, Therefore, Be It Resolved, that the City Council of the City of Lansing authorizes the Mayor and City Clerk to execute the sale agreement; and

Be It Further Resolved, that the City Council authorizes the sale of 1601 Herbert Street to Curtis and Roxane Tolbert and 324 Isbell to Judith L. Reimbold, subject to the terms and conditions of said agreements and the City of Lansing's Urban Homesteading Procedures.

Adopted by the following vote:

YEAS: Councilmembers Adado, Belen, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Benavides—(1).

By COUNCILMEMBERS BLAIR, BELEN AND CREAMER—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following items not listed on the agenda:

Letter of resignation from the Waterfront Development Board, submitted by Eugene W. Barnes.

Referred to the Committee on Physical Development and Committee on Ways and Means.

December 1, 1986

Council President Tony Benavides and Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of A. Dean Watkins to the Board of Water and Light. The term will expire June 1987.

Mr. Watkins resides at 2822 Westchester Rd. and is self-employed. He is an active member of the community and will provide this Board with an invaluable resource.

I trust you will give careful consideration to the ap-

pointment of A. Dean Watkins to the Board of Water and Light.

Sincerely,

TERRY J. McKANE
Mayor

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and appoint A. Dean Watkins to the Board of Water and Light.

Carried.

By COUNCILMEMBER LINDEMANN—

Resolved by the City Council of the City of Lansing that Councilmember Benavides be excused from the session.

Carried.

Mayor's Executive Assistant, Mr. Boyd, had no comments.

REMARKS BY COUNCILMEMBERS

Councilmember Blair questioned administration as to an article in the Lansing Community College Magazine "Outlook" regarding off campus construction of an industrial technical facility. Emerson Ohl spoke on the subject and remarked that President Gannon had spoken on needed parking for LCC, and city not helping to alleviate the problem.

Councilmember Adado asked again about fees paid for attorney hired by Lansing 2000 Group and Building Authority.

Councilmember Belen announced she would be late to the meeting next week.

No members of the audience spoke.

By COUNCILMEMBER SCHMIDT—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:35 P.M.

RUTH C. WARD
Chief Deputy City Clerk

Lansing, Michigan
December 1, 1986

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, December 8, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

December 8, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmen Adado, Benavides, Blair, Creamer, Lindemann, Schmidt, Worthington—(7).

Absent: Councilmember Belen—(1).

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Schmidt.

Pledge of Allegiance.

The Council Proceedings of November 3 and 10, 1986 were approved.

PUBLIC HEARINGS

December 8, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1247 Center Street.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

Peter O'Malley, 1720 Moores River Dr., owner of property spoke.

Referred to the Committee on General Services.

December 8, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1129 Linwood Street.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

December 8, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed make-safe or demolition of property located at 1113 Theodore Street.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed make-safe or demolition of property they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, FOR 3 MINUTES ON ANY ONE ITEM.

City Attorney letter IE was pulled.

Steven Floyd spoke on Communication #7.

Mary Haney spoke relative to the Housing Code.

COMMUNICATIONS AND PETITIONS

The following Applications and Bonds have been submitted for licenses:

Sign Erector—Auto City Sign Co.

Vehicles for Hire—Luxury Motor Coach, Inc.

Beer and Wine Carry-Out—George's Superette.

Public Drivers—John D. Edwards and Theresa Williams.

Referred to the Committee on General Services.

Suits filed by:

a. C.M. Dykema vs City of Lansing regarding demolition of property located at 824 Middle Street.

b. Michael D. Williams, 1239 Dakin St., vs City of Lansing, Board of Water and Light and Essie Green for damages to automobile from a tree falling on it.

Referred to the City Attorney.

Claims filed by:

a. Commercial Supply Company, 2511 East Michigan Ave., for storm sewer damages to items stored at their warehouse, 113 Pere Marquette St.

b. Eleanor Barnes, 1521 Inverness Ave., for mist of white paint on automobile while parked on Washington Ave. Mall.

c. Mrs. Anne Alward, 1407 W. Mt. Hope Ave. for reimbursement of ambulance fees due to Fire Dept. Ambulance not being available.

Referred to the City Attorney.

Thank you letter from Lansing School District for assistance of Lansing City Council Channel 28 personnel in the taping of their meeting.

Received and Placed on File.

Petitions filed to construct curb, gutter and storm sewer where needed on S. Washington Ave. from Sawyer St. north to Miller Road.

Referred to the Mayor.

Letters Received regarding proposed Housing Ordinance from:

a. Darlene V. Ingler, 1223 N. High St.

b. Lester J. Morgan, 642 Vernon Ave.

c. Betty B. Bossler

d. A. Landlord.

Referred to the Committee on General Services.

Steven T. Floyd request time to speak in regard to work related injury.

Received and Placed on File.

George W. Hinman, retired Fire Dept. employee, asks support for the "Positions and Recommendations" of their association which was presented to council on Sept. 24, 1986.

Referred to the Committee on Ways and Means.

MAYOR'S COMMENTS ON ANY ITEM ON THE AGENDA

Mayor McKane spoke regarding his letters 3b (Review of draft of revised Tri-County Aging Consortium Charter); 3c (Human Resources Advisory Board Resignation - John R. Diamond); 3d (Waterfront

Development resignation - Eugene W. Barnes); 3e (Waterfront Development Board Appointment - Mark Howard Canady); 3g (Contract Amendment: City of Lansing and International Assoc.); 3i (Olds Plaza Hotel Project: Letter from Winckler & Assoc.); 3n (Priggooris Park Property).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

Approves the following licenses and bonds:

Sign Erector License: Auto City Sign Co.

Beer and Wine Carry-out: Georges Superette, 610 W. Saginaw St.

Vehicle for Hire: Luxury Motor Coach Inc.

Public Driver: John D. Edwards.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
LOUIS F. ADADO
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the committee be approved.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the ordinance amending Chapter 9A of the Code of Ordinances by revising sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code.

Reports as follows: That said Ordinance be approved.

Signed:

SIDNEY P. WORTHINGTON
PAT LINDEMANN
Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

That the report of the committee be approved.

Adopted by the following vote:

YEAS: Councilmembers Benavides, Creamer, Lindemann, Schmidt and Worthington—(5).

NAYS: Councilmembers Adado and Blair—(2).

ABSENT: Councilmember Belen—(1).

THE COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the May's recommendation that the City of Lansing participate in an attempt to host the 1987 Michigan Amateur Softball Association's Tournaments in the Greater Lansing area,

Reports As Follows: The Committee recommends Council approval of City participation in securing and hosting these tournaments. The Committee further recommends that the Council express its intent to allocate sufficient funds in the next fiscal year's budget to accommodate use and maintenance of City softball facilities for the tournaments at no cost to the Association. The Committee also requests the Administration to work with the Greater Lansing Convention/Visitors Bureau in an effort to secure assistance in funding the event from Ingham County's hotel/motel room tax revenue. This matter is referred to the Committee on Ways and Means for further action.

Signed:

JAMES D. BLAIR
LOUIS F. ADADO
TONY BENAVIDES
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington —(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

THE COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

To whom was referred the Mayor's report on a request for traffic control at Provincial House Drive and Stoneleigh Drive,

Reports as follows: The Transportation Division, Traffic Board and Mayor recommend the request for a Stop Sign at the intersection of Provincial House Drive and Stoneleigh Drive be denied.

Signed:

LOUIS ADADO
TONY BENAVIDES
JAMES BLAIR
Committee on Public Safety
and Properties.

By COUNCILMEMBER BLAIR—

That the report of the Committee be adopted.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington —(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

THE COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the ordinance amending Chapter 36 by adding a new Article XVA containing sections numbered 36-145.13 and 36-145.14 to provide for the establishment of the boundaries of the Cedar/Larch Neighborhood Development Area and Citizens District Area and to provide for the appointment of a Citizens District Council.

Reports As Follows: That said Ordinance be approved.

Signed:

CHARLES CREAMER
ALFREDA SCHMIDT
Committee on Physical Development.

By COUNCILMEMBER CREAMER—

That the report of the Committee be approved.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington —(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

REPORTS OF CITY OFFICERS AND BOARDS

December 2, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Patricia Sawyer

Dear President Benavides and
Members of City Council:

On November 24, 1986 Patricia A. Sawyer filed a claim alleging personal injury and loss of work time due to a fall on a sidewalk on Lorraine Street, Lansing.

Since this claim involves personal injury and the amount of the damages is unknown, the claim of Patricia A. Sawyer has been forwarded to Auto Owners Insurance for investigation and resolution. Therefore, no further action need be taken by the City Council at this time.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and since this claim has been forwarded to Auto Owners Insurance Co. no further action needs to be taken at this time.

Carried.

December 5, 1986

President Benavides and Members
of the Lansing City Council

RE: Claim of Katherine Klein

Dear President Benavides and
Members of the City Council:

On November 6, 1986 the Michigan Educational Employees Mutual Insurance Company, on behalf of Katherine Klein, filed a claim against the City in the amount of \$551.20 for damage to her vehicle while driving through the Ionia exit in the North Grand garage. Claimant states that she was able to drive her van into the North Grand garage but when she attempted to exit the garage, the structure was too low and she damaged the top of her van. The insurance carrier has paid Ms. Klein's claim and is seeking reimbursement.

This claim was investigated by the City's Transportation Division which reported to this office that the North Grand garage has clearance signs posted at all entrances to the garage. These clearance signs are 1 to 2 inches less than the lowest beam clearance in the entire garage. Posting the exits for clearance would be redundant and ineffective because such a warning would be too late to notify the driver not to enter the parking structure.

Based on the fact that the garage was appropriately posted for clearance at the entrances to the North Grand garage and the recommendation of the Transportation Engineer, it is the recommendation of this office that this claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 3, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Richard McLellan
In the Amount of \$383.17

Dear President Benavides and
Members of the City Council:

On October 22, 1986 Richard McLellan filed a claim

in the amount of \$383.17 for damage to his vehicle caused by a parking arm at the Washington Square parking lot at Washtenaw. Claimant stated the parking arm damaged his car on two occasions, September 16, 1986 and again on October 7, 1986. The claimant does not have automobile insurance to cover the type of damage which occurred.

This claim was investigated by the City's Transportation Department which reported to this office that the parking arm at the Washington Square parking lot had malfunctioned on both of the above mentioned dates. The report concludes that the damage to claimant's vehicle was the result of equipment malfunction and repairs have been made to correct the problem.

Statutory authority exists for governmental immunity. See MCLA 691.1407; MSA 3.996 (107). In this particular instance, however, the Department has informed this office that the damage is attributable to the malfunction of City equipment which has since been corrected.

Based upon the facts presented in this particular claim and the recommendation of the Transportation Engineer, it is the recommendation of this office that this claim be paid.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be approved and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$383.17 payable to Richard McLellan.

Carried.

December 3, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of James Richards

Dear President Benavides
and Members of City Council:

On November 10, 1986, James Richards, 1133 Michigan Avenue, Apartment B-36, East Lansing, filed an \$85.00 claim for damages to his automobile allegedly due to a raised manhole on Clemens Street, south of Elizabeth Street on October 2, 1986. This office confirmed with his automobile insurer that claimant has no insurance coverage for this damage.

This claim was investigated by the Public Service Department which reported that there were about six (6) manhole castings protruding one and one-half (1½) inches above the pavement at the above time and location. The six (6) manhole castings had been protruding one and one-half (1½) inches above the pavement since Spring of 1986. Due to the fact that the six (6) manhole castings protruded one and one-half (1½) inches above the pavement, no signage was necessary. The Department completed the final paving for this particular area on November 25, 1986.

The Public Service Department has indicated to this office that the one and one-half inch protrusion of the manholes should not have been a hazard to the underbody of any motor vehicle since properly maintained vehicles have a clearance much greater than that. In addition, despite the length of time the manhole castings were protruding above the street level, no other complaints of claims were received by the Public Service Department regarding damage to the underbody of a motor vehicle.

Pursuant to State statute, MCLA 691.1403 a city is statutorily immune for damages caused by defective highways unless the city knew or should have known of the existence of the defect. In this particular instance, the Public Service Department had no prior knowledge that the manhole protrusions were likely to cause damage. In addition, any finding of liability must be premised upon a finding of negligence. There appear to be no facts in this instance justifying a finding of negligence on the part of the City.

Therefore, it is the recommendation of the Public Service Department and this office that the claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 4, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Mrs. Thurman Brown

Dear President Benavides and
Members of Lansing City Council:

On November 13, 1986, Mrs. Thurman Brown of 1500 Mary Avenue, filed a claim with the City seeking reimbursement of \$274.00 for the cost of ambulance services furnished to her husband by Lansing Mercy Ambulance Service.

The Lansing Fire Department investigated this claim for this office and indicated to this office that on September 28, 1986, Mrs. Brown contacted 911 for a Fire Department ambulance to be sent to her residence because her husband was experiencing chest pains. At the time the Lansing Fire Department had no ambulances available to service the call and therefore the call was referred by the Lansing Fire Department to Lansing Mercy Ambulance.

The Lansing City Charter provides that the Fire Department shall maintain and operate ambulance and emergency services Lansing residents may require and City Council may direct. See Section 4-303.5 of the 1978 City Charter.

In this particular instance the Fire Department informed this office that an emergency existed and no

Fire Department ambulance was available. As a result, the Fire Department referred the call to Lansing Mercy.

Based upon the recommendation of the Fire Department and the facts presented in this particular instance, it is the recommendation of this office that this claim in the amount of \$274.00 be paid.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the Amount of \$274.00 payable to Lansing Mercy Ambulance Co.

Carried.

December 4, 1986

President Benavides and
Members of Lansing City Council

RE: Claim of Glenn C. Reagan

Dear President Benavides and
Members of Lansing City Council

On October 15, 1986, Glenn C. Reagan filed a claim with the City alleging that due to an accident between his vehicle and a City garbage truck his vehicle was damaged in the amount of \$699.82.

The Public Service Department investigated this claim for our office and indicated to this office that on October 1, 1986 an accident occurred between a City garbage truck and a vehicle operated by the claimant at the intersection of Magnolia and Grand River Avenue. The Police Department investigated the accident and determined that after the City garbage truck had stopped for the stop sign at Magnolia and Grand River the City driver began backing up. The claimant's vehicle was stopped directly behind the City garbage truck and was unable to move out of the way before the City truck struck the front of his car. The City driver was ticketed.

Michigan No-Fault provides that property damages up to \$400.00 to motor vehicles to the extent that damages are not covered by insurance can be recovered from the owner or operator of the vehicle who is at fault. See MCLA 500.3135(d). In this particular instance the claimant has a deductible for collision of \$500.00.

Based upon application of the law to the facts presented in this particular claim and the recommendation of the Public Service Director, it is the recommendation of this office that the claimant be paid the amount of \$400.00.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$400.00 payable to Glenn C. Reagan.

Carried.

December 4, 1986

President Benavides and Members
of the Lansing City Council

RE: Capital View Ltd. Partnership
MTT Docket No. 103425

Dear President Benavides and
Members of the City Council:

On June 30, 1986, Capital View Ltd. Partnership, located at 524-526 S. Chestnut, filed a petition with the Michigan Tax Tribunal alleging that the assessment placed on the subject property was greater than 50% of its true cash value and therefore was illegal. The assessment placed on the subject property for 1986 was \$275,300. This office filed an Answer stating that the assessment placed on the subject property was equal to or less than 50% of its true cash value and therefore was legal.

Pursuant to Michigan Tax Tribunal rules, a Counsel Conference was held and information as exchanged between the City Assessor and the Petitioner.

As a result of the exchange of information, a tentative settlement was reached. The tentative settlement proposes that the assessment on the subject property for 1986 be reduced to \$137,500.

Based upon the recommendation of the City Assessor and the information presented to the City Assessor and this office, this office recommends that the tentative settlement as set forth above be approved.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and the tentative settlement as set forth above be approved.

Carried.

December 3, 1986

City Council President Tony Benavides
and Members of Lansing City Council

RE: Staff Responses to Touche Ross and
and Company Management Letter

Dear President Benavides
and Councilmembers:

Staff Responses to audit comments made by

Touche Ross and Company covering the Fiscal 1986 audit are herewith submitted.

Respectfully,

MARY E. SOVA
Secretary of the Board

Referred to the Committee on Ways and Means.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Quarterly Municipal Parking System
Financial Statement September 30, 1986.

The attached material is submitted for your information.

Received and Placed on File.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Review of Draft of Revised
Tri-County Aging Consortium Charter

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Human Services and Intergovernmental Relations.

DATE: 12/03/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Human Resources Advisory Board
Resignation—John R. Diamond

The attached correspondence is submitted for your information.

Received and Placed on File.

DATE: 12/01/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Waterfront Development Board
Resignation—Eugene W. Barnes

The attached correspondence is submitted for your information.

Received and Placed on File.

December 4, 1986

City Council President Tony Benavides
and Lansing City Councilmembers

Dear President Benavides
and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Mark Howard Canady to the Waterfront Development Board. The term will expire June 1989.

Mr. Canady resides at 3421 Tecumseh River Road and is a practicing attorney. He is an active member of the community and will provide this Board with an invaluable resource.

I trust you will give careful consideration to the appointment of Mark Howard Canady to the Waterfront Development Board.

Sincerely,

TERRY J. MCKANE
Mayor

Referred to the Committee on Public Safety and Properties.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-57-86, Sawyer Street Vacation.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 12/03/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Contract Amendment: City of Lansing
and International Association of Fire Fighters,
Local No. 421 (AFL-CIO)

The attached contract amendment is submitted with my recommendation for your approval.

This would amend the labor agreement to alter the holiday observance days for this year only, from December 24 and 31, 1986 to December 26, 1986 and January 2, 1987, except for those employees working 24-hour continuous shift operations.

No other term or condition of employment as pro-

vided by the 1983 labor agreement would be altered by this amendment.

RESOLUTIONS

By COUNCILMEMBER ADADO—

RESOLUTION #0549

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is party to a collective bargaining agreement with the International Association of Fire Fighters (AFL-CIO), Local 421; and

Whereas, the collective bargaining agreement provides for the observance of holidays on December 24 and December 31, 1986; and

Whereas, it is the desire of the parties to amend the respective labor agreement to alter the days these two (2) holidays will be observed, for this year only, from December 24 and 31, 1986, to December 26, 1986 and January 2, 1987, provided that this amendment shall not apply to employees working in 24 hour continuous shift operations; and

Whereas, no other term or condition of employment in the current labor agreement is to be altered hereby; and

Whereas, the Mayor has recommended approval of the proposed amendment to the subject labor agreement; and

Whereas, the proposed amendment is within budget;

Now Therefore, Be It Resolved that the above collective bargaining agreement be amended to alter the days upon which two (2) holidays will be observed by all covered employees not working in 24 hour continuous shift operation, from December 24 and 31, 1986, to December 26, 1986 and January 2, 1987.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

DATE: 12/05/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Lansing Center FF & E

The attached letter is submitted to you for your information.

I congratulate Mr. McKinch and Mr. Tubbs for their work in providing furniture to the Lansing Center at a cost less than estimated.

Referred to the Internal Audit Dept. who will report back to Ways and Means Committee.

DATE: 12/05/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Olds Plaza Hotel Project:
Letter from Winckler & Assoc.

The attached letter is submitted for your information.

My staff and I will continue to work with the owners of the Olds Plaza building. It is my hope that we can devise a use for it that will assist the revitalization of the downtown and that will be economically feasible.

Referred to the Committee on Economic Development.

DATE: 12/05/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Article Re: Parking Rates

The attached news clipping is for your information.

It indicates something that we already know—all cities have problems with traffic and parking.

I believe it also indicates that our parking rates are quite reasonable when compared to those in Grand Rapids.

Referred to the Committee on Public Safety and Properties.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of funds.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Financial Security—Trapper's Cove #3

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-46-86, Brook, Monroe and
Beech Streets Donation to City

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Priggooris Park Property.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

DATE: 12/04/86

TO: Council President Tony Benavides
and City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Request for Public Hearing:
136-36½ N. Pennsylvania; 226 E. Willard; 2288
E. Willard; 905 E. Grand River; 541 W. Hodge;
614 S. Holmes; and 123 Hill.

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

By COUNCILMEMBER ADADO—

That we concur in the recommendation of the Mayor and the public hearing be set for January 12, 1987, for these properties to be made safe or demolished.

Carried.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0550

Resolved by the City Council of the City of Lansing:

Whereas, Julius Foster McLaurine has applied for a license as a public driver; and

Whereas, after a routine records check, the Lansing Police Department found that Mr. McLaurine's driver's license had been suspended within two years of the date of his application, which under Section 33-28 (b) (3) (d) of the City Code is grounds for a recommendation to deny the City license; and

Whereas, the City Attorney's Office conducted a hearing on Nov. 14, 1986, to determine the facts of the case, and the transcript of the hearing revealed that Mr. McLaurine's Michigan driver's license was suspended from August 5 through August 9, 1985, by the Secretary of State for failure to pay one speeding ticket within the time limit required; and

Whereas, Mr. McLaurine's driving record is clear of any moving violations since the time of the suspension; and

Whereas, the Committee on General Services has reviewed the Hearing Officer's report and has concluded that the cause of the license suspension is not sufficient to deny Mr. McLaurine's application for a public driver license;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the application of Julius Foster McLaurine for a public driver license.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0551

Resolved by the City Council of the City of Lansing:

Whereas, Patrick Nolan Slaughter has applied for a city public driver license; and

Whereas, a routine records check by the Lansing Police Department showed that the applicant had been convicted of a felony within five years from the date of his application; and

Whereas, the City Attorney's Office conducted a hearing to determine the facts of the case, and substantiated that the applicant service two years and three days in prison on the felony conviction and is now on parole until June 27, 1987; and

Whereas, the Committee on General Services has reviewed the transcript of the hearing and heard additional testimony from the applicant, and recommends that the license be denied;

Now, Therefore, Be It Resolved the Lansing City Council hereby denies the application of Patrick Nolan Slaughter for licensing as a public driver in accordance with Sections 33-28 and 33-29 of the City Code.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0552

Resolved by the City Council of the City of Lansing:

That the request to transfer ownership of a 1986 Class C licensed business, located at 301 East Jolly Road, Lansing, doing business as Milo's Taverna, from Julius Rambat to Sammy's, Inc. (a Michigan Corporation), is hereby approved.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES

RESOLUTION #0553

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division received a citizen request to install a four-way Stop at the intersection of Massachusetts and Whyte Streets; and

Whereas, currently Yield Signs are in place on Whyte Street at Massachusetts Street; and

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended denial of the request for the installation of a four-way stop; and

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a staff recommendation to upgrade the existing Yield signs on Whyte at Massachusetts to Stop signs;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves upgrading the Yield signs to STOP signs on Whyte Street at Massachusetts Street.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0554

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a Councilmember request for upgrading traffic control at the intersection of Palmer Street and Hodge Street; and

Whereas, currently Yield signs are in place on Palmer Street at Hodge Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the upgrading of Yield signs to STOP signs on Palmer Street at Hodge Street.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1)

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0555

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a Councilmember request for upgrading the traffic control at the intersection of Hayford Street and Marcus Street; and

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the upgrading of Yield signs to Stop signs on Marcus Street at Hayford Street.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0556

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a staff request for traffic control at the intersection of Clippert Street and E. Grand River Avenue;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a STOP sign on Clippert Street at E. Grand River Avenue.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

The COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0557

Resolved by the City Council of the City of Lansing:

Whereas, the Transportation Division staff, the Traffic Board, the Mayor and the Committee on Public Safety and Properties have all recommended approval of a Councilmember request for traffic control at the intersection of Vine Street and Rumsey Street;

Now, Therefore, Be It Resolved, the Lansing City Council hereby approves the installation of a Yield sign on Vine Street at Rumsey Street.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

By COMMITTEE OF THE WHOLE—

RESOLUTION #0558

Resolved by the City Council of the City of Lansing:

Whereas, Zelma Cushing Cherry was born on December 2, 1906, in Charlotte, Michigan; and

Whereas, Zelma lied about her age when she was 15

in order to get a job with the John Deere Plow Company; and

Whereas, Zelma met Royal (Red) Cherry and married him on August 6, 1930, and this marriage produced four children (Don, Mike, Carolyn and Pat) and 13 grandchildren and another grandchild on the way; and

Whereas, Zelma's family will gather on November 29, 1986, to celebrate her 80th Birthday;

Now, Therefore, Be It Resolved, the Lansing City Council hereby joins the family and friends of Zelma Cherry in wishing her a Happy and Healthy 80th Birthday with hope for many more birthdays yet to come.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

The COMMITTEE OF THE WHOLE—

RESOLUTION #0559

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has appointed three outstanding citizens to serve on the Elected Officers Compensation Commission and has recommended that Council approve these appointments, and

Whereas, all three citizens were interviewed by the Committee of the Whole at their December 4th meeting;

Now, Therefore, Be It Resolved the City Council hereby confirms the appointments of:

Ms. Earlene Neal
Term Expires October 1, 1992

Ms. Louanne Service
Term Expires October 1, 1987

and

Ms. Paulette Granberry
Term Expires October 1, 1993

to the Elected Officer Compensation Commission Board.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0560

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$2,500.00 from Reserve for Contingency

A/C 101-941-000-963

\$2,500.00 to City Council Conferences

A/C 101-101-000-864

(Additional conference request needs)

The Balance in the Reserve for Contingency Fund after this transfer is \$530,702.00.

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT
Finance Director

Approved:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
JAMES D. BLAIR
Committee on Ways and Means.

Adopted by the following vote:

YEAS: Councilmembers Adado, Benavides, Blair, Creamer, Lindemann, Schmidt and Worthington—(7).

NAYS: None.

ABSENT: Councilmember Belen—(1).

By COUNCILMEMBER WORTHINGTON—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

a. Amending Chapter 9A of the Code of Ordinances of the City of Lansing by revising Sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code.

b. Amending Chapter 36 by adding a new Article XVA containing sections numbered 36-145.13 and 36-145.14 to provide for the establishment of the boundaries of the Cedar/Larch Neighborhood Development Area and Citizens District Area and to provide for the appointment of a Citizens District Council and recommended that the ordinances be passed.

Councilmember Belen entered the meeting.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

ing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by revising Chapter 9A, Sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code be placed on order for immediate passage.

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Chapter 9A, Sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 for the purpose of updating and revising the provisions of the Lansing Uniform Housing Code be now passed.

Much discussion was held.

Adopted by the following vote:

YEAS: Councilmembers Benavides, Creamer, Lindemann, Schmidt and Worthington—(5).

NAYS: Councilmembers Adado, Belen and Blair—(3).

ABSENT: None.

ORDINANCE NO. 736

AN ORDINANCE TO AMEND CHAPTER 9A OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REVISING SECTIONS NUMBERED 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 AND 9A-18 FOR THE PURPOSE OF UPDATING AND REVISING THE PROVISIONS OF THE LANSING UNIFORM HOUSING CODE.

The City of Lansing Ordains:

Section 1. That Chapter 9A of the Code of Ordinances of the City of Lansing, Michigan be amended by revising Sections numbered 9A-1, 9A-2, 9A-3, 9A-4, 9A-5, 9A-6, 9A-7, 9A-8, 9A-9, 9A-10, 9A-11, 9A-12, 9A-13, 9A-14, 9A-15, 9A-16, 9A-17 and 9A-18 to read as follows:

Sec. 9A-1. Title, purpose, and scope.

(a) Title. This chapter shall hereinafter be known as the "Lansing Uniform Housing Code," and may be cited as such, and will be referred to herein as "this Code."

(b) Purpose. This Code provides minimum requirements for the protection of life, limb, health, property, safety and welfare on the general public and the owners and occupants of residential buildings, ACCESSORY BUILDINGS, AND PREMISES.

(c) Scope.

(1) Application. The provisions of this Code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation, ACCESSORY BUILDING AND TO PREMISES. Such occupancies in existing building may be continued as provided for in Section 104 (c) of the Uniform Building Code, except as otherwise provided for in this Code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all the requirements of this Code for dwellings.

(2) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with section 104 of the Uniform Building Code.

(3) Relocation. Existing residential structures which are moved or relocated shall be restored in accordance with the provisions of the Uniform Building Code as adopted by Chapter 9 of the Code of Ordinances.

Sec. 9A-2. Enforcement.

(a) General.

(1) Authority. The Building Official is hereby authorized and directed to administer and enforce all of the provisions of this Code.

(2) BUILDING OFFICIAL. AS USED IN THIS CODE, BUILDING OFFICIAL MEANS THE DIRECTOR OF THE BUILDING SAFETY DIVISION OF THE DEPARTMENT OF PLANNING AND MUNICIPAL DEVELOPMENT AND INCLUDES THE DIRECTOR'S DULY AUTHORIZED OR DESIGNATED REPRESENTATIVE, UNLESS CONTRARY INTENT IS CLEARLY SHOWN.

(3) Inspection. Whenever necessary to make an inspection or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or portion thereof or premises substandard, the Building Official may enter such building or ON TO SUCH premises to inspect the same. The Building Official may conduct such inspection at all reasonable times either by obtaining permission of the owner or occupant or by obtaining a search warrant from a court of competent jurisdiction; provided, that if such building or premises is occupied, THE BUILDING OFFICIAL shall first present proper credentials and request entry, and if such building or premises is unoccupied, THE BUILDING OFFICIAL shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if the owner or other person having charge or control of the building cannot be found, the Building Official shall have recourse to every remedy provided by law to secure entry. In the event the condition that is believed to exist creates an emergency situation in that it imminently endangers human life, no search warrant shall be required.

(4) "INDEMNIFICATION". THE BUILDING OFFICIAL CHARGED WITH ENFORCEMENT OF THIS CODE, ACTING IN GOOD FAITH AND WITHOUT MALICE IN THE DISCHARGE OF HIS/HER DUTIES, SHALL BE INDEMNIFIED AND HELD HARMLESS BY THE CITY AGAINST ANY LIABILITY FOR ANY DAMAGE THAT MAY ACCURE TO PERSONS OR PROPERTY AS THE RESULT OF ANY ACT OR BY REASON OF ANY ACT OR OMISSION IN THE DISCHARGE OF HIS/HER DUTIES. ANY SUIT BROUGHT AGAINST THE BUILDING SAFETY DIVISION, ANY BUILDING OFFICIAL, OR ANY EMPLOYEE OF THE BUILDING SAFETY DIVISION BECAUSE OF SUCH ACT OR OMISSION PERFORMED BY THE BUILDING OFFICIAL OR EMPLOYEE IN THE ENFORCEMENT OF ANY PROVISION OF THIS CODE, SHALL BE DEFENDED BY LEGAL COUNSEL PROVIDED BY THE CITY.

(5) Responsibilities defined. Every owner remains liable for violations of duties imposed by this Code even though an obligation is also imposed on the occupants of THE OWNER'S building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Every owner, or OWNER'S agent, in addition to being responsible for maintaining THE OWNER'S building in a sound structural condition, shall be responsible for keeping that part of the building or premises which THE OWNER occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two (2) or more dwelling units.

Every owner where required by this Code, by the ordinances of the City or Health Officer, shall furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of infestation by insects, rodents and other pests, and where such infestation has taken place, EVERY OWNER shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or by orders under this Code.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he/SHE occupies and controls, shall dispose of all rubbish, garbage and other organic waste in a manner required by the ordinances of the City or by the Health Officer.

Every Occupant shall, where required by this Code, the ordinances of the City or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep THE premises safe and sanitary.

(b) Substandard Buildings. All buildings or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with the procedures specified in THIS CODE.

(c) Board of Appeals. In order to provide for final interpretation of the provisions of this Code and to

hear appeals from decisions of the Building Official as to determinations made under this Code; the Board of Appeals as established in section 204, Board of Appeals, of the Uniform Building Code is hereby authorized to hear such questions and appeals.

(d) Violations. No person whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, in violation of any of the provisions of this Code or any order issued by the Building Official hereunder. A Violation shall include any act of commission or omission contrary to any section of this Code and the failure to meet any required standard as set forth in this Code.

Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Code is committed, continued or permitted, and upon conviction, such person shall be punished for each offense by a fine or not more than FIVE HUNDRED DOLLARS (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Sec. 9A-3. Permits and inspections.

(a) General. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or portion thereof, or cause or permit the same to be done, without first obtaining a separate building permit for each such building from the Building Official in the manner and according to the applicable conditions prescribed in the LANSING Uniform Building Code.

(b) Fees. Except as otherwise provided, structural inspections of existing buildings for resale purposes, including and inspection report listing any corrections needed, shall be performed on receipt of a written request and payment of a fee. All fees for structural inspection for resale purposes of existing buildings shall be established by Council resolution.

(c) Inspection. All buildings or portions thereof within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this Code and the LANSING Uniform Building Code.

Sec. 9A-4. Definitions.

For the purpose of this Code, the definitions set forth below shall be applicable. Further, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in the Uniform Building Code unless specifically modified herein.

"ACCESSORY BUILDING" MEANS AN ACCESSORY STRUCTURE AS DEFINED BY THE ZONING ORDINANCE OF THE CITY OF LANSING.

"Department" shall mean the Building Safety DIVISION OF THE DEPARTMENT OF PLANNING AND MUNICIPAL Development.

"DWELLING" IS ANY HOUSE, BUILDING, STRUCTURE, TENT, SHELTER, TRAILER OR VEHICLE, OR PORTION THEREOF, (EXCEPT RAILROAD CARS, ON TRACKS OR RIGHT-OF-WAY) WHICH IS OCCUPIED IN WHOLE OR IN PART AS THE HOME, RESIDENCE, LIVING, OR SLEEPING PLACE FOR ONE (1) OR MORE HUMAN BEINGS, EITHER PERMANENTLY OR TRANSIENTLY. A HOUSE TRAILER OR OTHER VEHICLE, WHEN OCCUPIED OR USED AS A DWELLING, SHALL BE SUBJECT TO ALL THE PROVISIONS OF THIS CODE, EXCEPT THAT HOUSE TRAILERS OR OTHER VEHICLES, DULY LICENSED AS VEHICLES, MAY BE OCCUPIED OR USED AS A DWELLING FOR REASONABLE PERIODS OR LENGTHS OF TIME, WITHOUT BEING OTHERWISE SUBJECT TO THE PROVISIONS OF THIS CODE FOR DWELLINGS, WHEN LOCATED IN A PARK OR PLACE DESIGNATED OR LICENSED FOR THE PURPOSE BY THE CITY; PROVIDED, THAT SUCH PARKING SITES ARE EQUIPPED WITH ADEQUATE SAFETY AND SANITARY FACILITIES.

"DWELLING UNIT" IS ANY BUILDING OR PORTION THEREOF WHICH CONTAINS LIVING FACILITIES, INCLUDING PROVISIONS FOR SLEEPING, EATING, COOKING AND SANITATION, AS REQUIRED BY THIS CODE, FOR NOT MORE THAN ONE FAMILY.

"Efficiency dwelling unit" means any room having cooking facilities and used for combined living, dining and sleeping purposes.

"Electrical code" is the National Electrical Code as adopted by Chapter 9E of the Code of Ordinances.

"GUEST" IS ANY PERSON HIRING OR OCCUPYING A ROOM FOR LIVING OR SLEEPING PURPOSES.

"GUEST ROOM" IS ANY ROOMS USED OR INTENDED TO BE USED BY A GUEST FOR SLEEPING PURPOSES. EVERY ONE HUNDRED (100) SQUARE FEET OF SUPERFICIAL FLOOR AREA IN A DORMITORY SHALL BE CONSIDERED TO BE A GUEST ROOM.

"Health officer" means the INGHAM COUNTY Health Officer OR DESIGNEE.

"Hot water" means water at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

"LODGING HOUSE" IS ANY BUILDING OR PORTION THEREOF CONTAINING GUEST ROOMS WHERE RENT IS PAID IN MONEY, GOODS, AND SERVICES HAVING AN OCCUPANT LOAD NOT EXCEEDING TWENTY (20) PEOPLE.

"Mechanical code" means the Uniform Mechanical Code as adopted and amended by Lansing ordinances, Chapter 9B and in effect at the time of the alleged violation.

"Multiple dwelling" means a dwelling containing three (3) or more dwelling units.

"OCCUPIED SPACE" MEANS THE TOTAL AREA OF ALL BUILDINGS OR STRUCTURES

ON ANY LOT OR PARCEL OF GROUND PROJECTED ON A HORIZONTAL PLANE EXCLUDING PERMITTED PROJECTIONS AS ALLOWED BY THIS CODE.

"ONE FAMILY DWELLING" IS A DWELLING OCCUPIED BY ONLY ONE (1) FAMILY, AND SO DESIGNED AND ARRANGED AS TO PROVIDE COOKING AND KITCHEN ACCOMMODATIONS FOR ONE (1) FAMILY ONLY, ALSO CALLED A SINGLE FAMILY DWELLING.

"OWNER OCCUPIED DWELLING" MEANS A DWELLING WHICH A PERSON BOTH OWNS AS A TITLE HOLDER OR LAND CONTRACT PURCHASER AND LIVES IN AS HIS/HER TRUE, FIXED AND PERMANENT HOME TO WHICH, WHENEVER ABSENT, THE PERSON INTENDS TO RETURN.

"Plumbing code" is the Uniform Plumbing Code as adopted by Chapter 9C of the Code of Ordinances.

"PREMISES" MEANS A LOT, PLOT, OR PARCEL OF LAND INCLUDING THE BUILDING OR STRUCTURE THEREON.

"Public nuisance" means the following:

(1) Any public nuisance known at common law or in equity.

(2) Any attractive nuisance IN A BUILDING OR ON A PREMISES which may prove detrimental to children. This includes, but IS not limited to, any abandoned wells, shafts, basements, or excavations; refrigerators OR motor vehicles; structurally unsound fences or structures; or lumber, trash, debris, trees, or vegetation which may prove a hazard for minors.

(3) Whatever is dangerous to human life or is detrimental to health.

(4) Overcrowding a room with occupants as defined in the LANSING Uniform Building Code.

(5) Insufficient ventilation or illumination as specified in section 9A-5(D) and section 9A-7(c).

(6) Inadequate or unsanitary sewage or plumbing facilities as specified in section 9A-5(E).

(7) Uncleanliness, as determined by the Health Officer.

(8) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

(9) ANY CONDITION IN VIOLATION OF SECTION 9A-11.

"Substandard condition" means any condition defined as substandard in section 9A-10. Such condition does not make a building unsafe or dangerous unless so determined by the Building Official or Health Officer.

"TWO FAMILY DWELLING" IS A BUILDING WHICH CONTAINS TWO (2) DWELLING UNITS.

"Uniform Building Code" means the Uniform

Building Code as adopted and amended by Lansing ordinances, Chapter 9, and in effect at the time of the alleged violation.

"Unsafe and dangerous" means any condition defined as "unsafe and dangerous" in section 9A-13.

Sec. 9A-5. Space and occupancy standards.

(A) Location on Property.

(1) Access to public property. All buildings shall be located with respect to property lines and to other buildings on the same property as required by section 504 and Part IV of the Uniform Building Code. Each dwelling unit and each guest room in a dwelling or a lodging house shall have access to a passageway, not less than three (3) feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than forty-four (44) inches in width.

(2) Occupied space. Interior lots occupied by buildings within the scope of this Code shall have not more than fifty (50) percent of the lot in occupied space. Corner lots used for such buildings shall have not more than seventy-five (75) percent of the lot in occupied space. Where housing units are on a floor above the first floor, roof area at or below the floor level of the housing units need not be considered as occupied space.

(B) Yards and Courts.

(1) Scope. This section shall apply to yards and courts having required windows opening therein.

(2) Yards. Every yard shall be not less than three (3) feet in width for one-story and two-story buildings. For buildings more than two (2) stories in height, the minimum width of the yard shall be increased at the rate of one (1) foot for each additional story. Where yards completely surround the building, the required width may be reduced by one (1) foot. For buildings exceeding fourteen (14) stories in height, the required width of yard shall be computed on the basis of fourteen (14) stories.

(3) Courts. Every court shall be not less than three (3) feet in width. Courts having windows opening on opposite sides shall be not less than six (6) feet in width. Courts bounded on three (3) or more sides by the walls of the building shall be not less than ten (10) feet in length unless bounded on one end by a street or yard. For buildings more than two (2) stories in height, the court shall be increased one (1) foot in width and two (2) feet in length for each additional story. For buildings exceeding fourteen (14) stories in height, the required dimensions shall be computed on a basis of fourteen (14) stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two (2) stories in height shall be provided with a horizontal air intake at the bottom not less than ten (10) square feet in area and leading to the exterior of the building unless abutting a yard or public space. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire-resistive.

(4) Projection into yards. Eaves and cornices may project into any required yard not more than two

(2) inches from each foot of yard width. Unroofed landings, porches and stairs may project into any required yard; provided no portion extends above the floor level of a habitable room, and provided further that no such projection shall obstruct a required exit-way.

(C) Room Dimensions.

(1) Ceiling heights. Habitable rooms, storage rooms and laundry rooms shall have a ceiling height of not less than seven and one-third (7 1/3) feet. Hallways, corridors, bathrooms and toilet rooms shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum floor area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet.

(2) Floor area. Every dwelling unit shall have at least one (1) room which shall have not less than ONE HUNDRED TWENTY (120) square feet of floor area. Other habitable rooms, except kitchens, shall have a floor area of not less than seventy (70) square feet. Further, every room used for sleeping purposes shall have a floor area of not less than seventy (70) square feet except that the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

Exception: Nothing in this section shall prohibit the use of an efficiency dwelling unit within an apartment house meeting the following requirements:

(a) The unit shall have a living room of not less than two hundred twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant of such unit in excess of two (2).

(b) The unit shall be provided with a separate closet.

(c) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than thirty (30) inches in front. Light and ventilation conforming to this Code shall be provided.

(d) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(3) Width. No habitable room shall be less than (7) feet in any dimension. No water closet space shall be less than thirty (30) inches in width and shall provide a clear space in front of the toilet stool not less than twenty-four (24) inches.

(D) Light and Ventilation.

(1) Natural light and ventilation. All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of

windows or skylights with an area of not less than one-tenth of the floor area of such rooms, with a minimum of ten (10) square feet.

All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms, with a minimum of one and five-tenths (1.5) square feet.

No less than one-half of the required window or skylight area shall be openable to provide natural ventilation.

(2) Origin of light and ventilation. Required windows shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

Exception: Required windows may open into a roofed porch where the porch:

(a) Abuts a street, yard or court; and

(b) Has a ceiling height of not less than seven (7) feet; and

(c) Has the longer side at least sixty-five (65) percent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four (4) feet in least dimension. No vent shaft shall extend through more than two (2) stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

(3) Mechanical ventilation. In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two (2) air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five (5) air changes per hour, shall be provided.

(4) Hallways. All public hallways, stairs and other exitways shall be adequately lighted at all times in accordance with section 3312 (a) of the Uniform Building Code.

(E) Sanitation.

(1) Dwelling units. Every dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, a lavatory and either a bathtub or shower.

(2) LODGING HOUSES. Where private water closets, lavatories and baths are not provided, there shall be provided on each floor for each sex at least one (1) water closet and lavatory and one (1) bath accessible from a public hallway. Additional water

closets, lavatories and baths shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests, or fractional number thereof in excess of ten (10). Such facilities shall be clearly marked for "Men" or "Women."

(3) Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.

(4) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water, except water closets shall be provided with cold water only.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(5) Water closet compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with section 1711 of the Uniform Building Code. Water closet compartments in dwellings shall be finished with approved nonabsorbent materials.

(6) Room Separations. Every water closet, bathtub or shower required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from FOOD preparation or storage rooms by a tight-fitting door.

(7) Installation and maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

Sec. 9A-6. Structural requirements.

(a) General. Buildings may be of any type of construction permitted by the Uniform Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Uniform Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Uniform Building Code.

(b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(c) Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Uniform Building Code.

Sec. 9A-7. Mechanical requirements.

(a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of seventy (70) degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Uniform Building Code, Mechan-

ical Code, and all other applicable laws. No unvented fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

(b) Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within three hundred (300) feet of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one (1) supplied electric light fixture.

(c) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by section 9A-5(D) of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

Sec. 9A-8. Exits.

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Uniform Building Code.

Owners of owner-occupied residences may install, or have installed, double-cylinder dead bolt security locks (i.e., locks which require a key to move the dead bolt both outside and inside) on exit doors at their discretion. See note below.

Note: The City of Lansing Fire Marshal and the Director of Building Safety strongly recommend against the installation of double-cylinder locks due to the danger of entrapment in a fire or other emergency. Owner-occupants who install such locks by choice must bear responsibility for instruction of all occupants in emergency exit procedures and it is recommended that the inside key remain in the lock when the residence is occupied. The City of Lansing assumes no liability arising from any property owner's discretionary use of double-cylinder security locks.

Every sleeping room below the fourth floor shall have at least one operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of five and seven-tenths (5.7) square feet. The minimum net clear opening height dimension shall be twenty-four (24) inches. The minimum net clear opening width dimension shall be twenty (20) inches. Where windows are provided as a means of egress or rescue they shall have a finished sill height not more than forty-four (44) inches above the floor.

Exception: All operable existing egress or rescue

windows having a minimum net clear opening of five (5) square feet with a minimum net clear opening height dimension of twenty-two (22) inches and a maximum sill height of forty-eight (48) inches may have their existing use.

Sec. 9A-9. Fire protection.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Uniform Building Code for the appropriate occupancy, type of construction and location on property; and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 38 of the Uniform Building Code.

Sec. 9A-10. Substandard buildings.

(A) General. Any building or portion thereof OR OTHER PLACE USED OR DESIGNED OR INTENDED TO BE USED FOR HUMAN HABITATION, including BUT NOT LIMITED TO any dwelling unit, guest room or suite or rooms, or the premises on which the same is located, VEHICLE, TENT, OR ACCESSORY BUILDINGS, in which there exists any of the following listed conditions shall be deemed and is hereby declared to be a substandard building:

(1) Inadequate sanitation. Inadequate sanitation shall include but not be limited to the following:

(a) Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit.

(b) Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.

(c) Lack of or improper kitchen sink.

(d) Lack of hot and cold running water to plumbing fixtures in a hotel.

(e) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(f) Lack of adequate heating facilities.

(g) Lack of or improper operation of required ventilating equipment.

(h) Lack of minimum amounts of natural light and ventilation required by this Code.

(i) Room and space dimensions less than required by this Code.

(j) Lack of required electrical lighting.

(k) Dampness of habitable rooms.

(l) Infestation of insects, vermin or rodents as determined by the Health Officer.

(m) General dilapidation or improper maintenance.

(n) Lack of connection to required sewage disposal system.

(o) Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

(2) Structural hazards. Structural hazards shall include but not be limited to the following:

- (a) Deteriorated or inadequate foundations.
- (b) Defective or deteriorated flooring or floor supports.
- (c) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration.
- (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (h) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
- (i) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(J) DEFECTIVE, DETERIORATED OR INADEQUATE STAIRS, HANDRAILS, OR GUARDRAILS.

(3) Nuisance. Any nuisance as defined in this Code.

(4) Hazardous ELECTRICAL wiring. All ELECTRICAL wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used for electrical loads for which it was designed and is being used in a safe manner.

(5) Hazardous plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.

(6) Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in a good and safe condition.

(7) Faulty weather protection. Faulty weather protection shall include but is not limited to the following:

- (a) Deteriorated, crumbling or loose plaster.
- (b) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
- (c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved pro-

tective covering.

(d) Broken, rotted, split or buckled exterior wall coverings or roof coverings.

(8) Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department or his/HER deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(9) Faulty materials of construction. All materials of construction except those which are specifically allowed or approved by this Code and the Uniform Building Code, and which have been adequately maintained in a good and safe conditions.

(10) Inadequate maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with section 9A-14.

(11) Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by this Code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of improper or location of exits, additional exits may be required to be installed.

(12) Inadequate fire protection or fire-fighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(13) Improper occupancy. All buildings or portions thereof OR OTHER PLACES OF SHELTER occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

(B) Enforcement. Whenever a building OR PLACE OF SHELTER is determined to be substandard, it shall be deemed a violation of this Code and pursued according to the provision established in section 9A-2(d), violations, of this Code.

SEC. 9A-11. HAZARDOUS OR UNSANITARY PREMISES.

(A) GENERAL. ANY PREMISES OR PORTION THEREOF ON WHICH THERE EXISTS ANY OF THE FOLLOWING LISTED CONDITIONS SHALL BE DEEMED AND IS HEREBY DECLARED TO BE A SUBSTANDARD PREMISES:

(1) GROWTH OF GRASS AND/OR WEEDS EXCEEDING TWELVE (12) INCHES IN HEIGHT.

(2) ACCUMULATION OF JUNK, DEBRIS,

DEAD ORGANIC MATTER, GARBAGE, OFFAL OR RAT HARBORAGES.

3) ACCUMULATION OF COMBUSTIBLE MATERIAL OR OTHER FIRE HAZARD.

(4) EXISTENCE OF ANY PHYSICAL HEALTH HAZARD AS DETERMINED BY THE HEALTH OFFICIAL OR AS DEFINED AS SUCH BY STATUTE OR ORDINANCE.

(B) NUISANCE. ANY CONDITION, THE EXISTENCE OF WHICH CAUSES ANY PREMISES TO BE SUBSTANDARD AS DEFINED IN THIS SECTION IS HEREBY DECLARED TO BE A NUISANCE AND IS SUBJECT TO ABATEMENT PURSUANT TO CHAPTER 12 OF THIS CODE, COMMON LAW OR STATUTE.

(C) ENFORCEMENT. WHENEVER A PREMISES IS DETERMINED TO HAVE A CONDITION THAT CAUSES SUCH PREMISES TO BE A SUBSTANDARD PREMISES, IT SHALL BE DEEMED TO BE A VIOLATION OF SECTION 9A-2(D) OF THIS CODE.

SEC. 9A-12. Procedure upon determination of substandard building AND/OR SUBSTANDARD PREMISES: notices and orders of building official.

(A) Commencement of Proceedings. Whenever the Building Official has inspected or caused to be inspected any building or portion thereof or premises OR SHELTER and has found and determined that THE SAME is substandard OR IN VIOLATION OF ANY OF THE PROVISIONS OF THIS CODE, THE BUILDING OFFICIAL shall commence proceedings to cause the repair of the building or CORRECTION OF THE premises as described below.

(B) Notice of Violation. The Building Official shall issue a written notice of violation.

IF THE NOTICE OF VIOLATION IS FOR A CONDITION THAT MAKES A PROPERTY A SUBSTANDARD PREMISES UNDER SECTION 9A-11, THE WRITTEN NOTICE SHALL BE DIRECTED TO EACH OWNER OR PARTY IN INTEREST IN WHOSE NAME THE PROPERTY APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS. IF THE NOTICE OF VIOLATION IS FOR VIOLATION OF ANY SECTION OF THIS CODE EXCEPT 9A-11, THE WRITTEN NOTICE SHALL BE directed to the owner, AGENT, OR LESSOR REGISTERED WITH THE BUILDING SAFETY DIVISION and, at the discretion of the Building Official to ANY LESSEE OR occupant. IF NO OWNER, AGENT, OR LESSOR HAS BEEN REGISTERED, THEN THE NOTICE SHALL BE DIRECTED TO EACH OWNER OR PARTY IN INTEREST, IN WHOSE NAME THE PROPERTY APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS.

The notice of violation shall contain:

(1) The premises upon which the VIOLATION is located.

(2) The date upon which the inspection took place.

(3) The name of the inspector making the inspection.

(4) A statement that the building OR PREMISES has been found to be in violation of this Code with a brief and concise description of the conditions found to render the SAME in violation.

(5) A statement ORDERING the action required in order to comply with this Code. The order shall PROVIDE:

(a) If the Building Official has determined that the building or portions thereof or premises must be repaired OR CORRECTED to comply with this Code, that all necessary permits must be secured and work must be physically commenced with THE time period STATED in the order [such time is not to exceed thirty (30) days from the date of the order] and be completed within THE time period STATED in the order. FOR ANY VIOLATION UNDER SECTION 9A-11(A)(1), THE ORDER SHALL STATE THAT THE CONDITION SHALL BE CORRECTED WITHIN SEVEN (7) DAYS. FOR OTHER VIOLATIONS, the Building Official shall determine the lengths of time that are reasonable under all the circumstances.

(b) If the Building Official has determined that the building or portion thereof OR SHELTER must be vacated, THAT THE SAME shall be vacated within THE time period determined by the Building Official to be reasonable AND STATED IN THE ORDER.

(C) SERVICE OF NOTICE. THE NOTICE OF VIOLATION AND ANY AMENDED OR SUPPLEMENTAL NOTICE SHALL BE SERVED UPON ANY PERSON ENTITLED TO THE NOTICE BY PERSONAL SERVICE OR BY FIRST CLASS MAIL, ADDRESSED TO SAID PERSON AND SENT IN AN ENVELOPE CONTAINING THEREON THE RETURN ADDRESS OF BUILDING SAFETY DIVISION. IF NO ADDRESS OF SUCH PERSON IS KNOWN TO THE BUILDING OFFICIAL, THE NOTICE AND ORDER SHALL BE MAILED BY FIRST CLASS MAIL, ADDRESSED TO SUCH PERSON AT THE ADDRESS OF THE BUILDING DESCRIBED IN THE NOTICE.

(D) FAILURE TO RECEIVE NOTICE. ANY IRREGULARITY IN THE SERVICE OF NOTICE OR THE FAILURE OF ANY PERSON ENTITLED TO NOTICE TO RECEIVE SUCH NOTICE SHALL NOT AFFECT THE VALIDITY OF ANY PROCEEDINGS TAKEN UNDER THIS CODE EXCEPT ENFORCEMENT UNDER PARAGRAPH A OF SECTION 9A-13 AS TO THE PERSON NOT SO SERVED.

SEC. 9A-13. Enforcement of orders of the building official or the board of appeals.

(A) General. NO PERSON SHALL FAIL, NEGLECT, OR REFUSE TO OBEY any order of the Building Official or the Board of Appeals made pursuant to this Code.

(B) Failure to Obey Order. IF ANY PERSON FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION, the Building Official may (i) cause such person to be prosecuted under SECTION 9A-2(D) and (ii) bring an action in a court of competent jurisdiction to ENFORCE the order contained in the notice of violation, including an action to abate or CORRECT the violation.

(C) Failure to Commence or to Complete Work.

(1) Whenever the required repair is not commenced

ed within thirty (30) days or is not completed by the time established by the Building Official or IF the building becomes vacant after any notice of violation IS issued, the Building Official may cause the building described in such notice of violation to become vacant or to remain vacant by posting at each entrance a notice in substantially the following form:

**"SUBSTANDARD BUILDING
DO NOT OCCUPY**

It is a misdemeanor to occupy this
building or to remove or deface this notice.

Building Official
City of Lansing"

(2) No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs ordered by the Building Official have been completed and a certificate of occupancy issued pursuant to the provisions of the Uniform Building Code.

(D) Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he/SHE will comply with the order if allowed additional time, the Building Official MAY determine that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property AND GRANT AN EXTENSION OF TIME NOT TO EXCEED AN ADDITIONAL ONE HUNDRED TWENTY (120) DAYS WITHIN WHICH TO COMPLY. THIS EXTENSION PROVISION SHALL NOT APPLY TO ANY VIOLATION OF SECTION 9A-11 OR ORDER TO CORRECT ANY 9A-11 CONDITION. The Building Official's authority to GRANT SUCH AN EXTENSION OF time is limited to the physical repair or demolition of the premises and will not in any way affect or extend the time to appeal THE BUILDING OFFICIAL'S notice of violation.

(E) Interference with Repair or Demolition Work Prohibited. NO person shall obstruct, impede or interfere with any BUILDING OFFICER, CITY employee, contractor, or authorized representative IN THE PERFORMANCE OF HIS/HER DUTIES UNDER THIS CODE NOR WITH ANY OTHER PERSON WHO IS ENGAGED IN CARRYING OUT THE LAWFUL DIRECTIVES OR ORDERS OF THE BUILDING OFFICIAL ON PREMISES which HAVE been ordered repaired, vacated or demolished under the provisions of this Code.

SEC. 9A-14. Unsafe or dangerous buildings.

(A) General. It is unlawful for any owner or agent hereof to keep or maintain any unsafe or dangerous buildings. "Unsafe or dangerous building" means any building which has any of the defects or is in any of the conditions hereinafter described:

(1) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the fire code applicable to Lansing and the Lansing Uniform Building Code.

(2) Whenever any portion has been damaged by FIRE, wind, flood, or any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Lansing

Uniform Building Code for a new building or similar structure, purpose or location.

(3) Whenever any portion or member or appurtenance is likely to fall or become detached or dislodged, or to collapse and thereby injure persons or damage property.

(4) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in case of new construction.

(5) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

(6) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

(7) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, or OTHER persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or ANY unlawful act.

(8) Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or is likely to work injury to the health, safety or general welfare of those living within.

(9) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(B) Vacation. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the occupants it shall be ordered to be vacated. A sign shall be posted at or upon each exit of the building and shall be in substantially the following form:

**"DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building,
or to remove or deface this notice.

Building Department
City of Lansing"

No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until (1) the required repairs, demolition or removal has been completed, (2) the Building Official has given written permission that the sign be removed, and (3) a Certificate of Occupancy, if applicable, has been issued pursuant to the provisions of the Uniform Building Code. Any person

violating this subsection shall be guilty of a misdemeanor.

(C) Recordation of Unsafe or Dangerous Condition. When the Building Official has determined that a building is unsafe or dangerous, THE BUILDING OFFICIAL shall file in the office of the REGISTER of Deeds a notice describing the property and certifying that the building is an unsafe and dangerous building, and that the owner has been so notified.

Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as an unsafe or dangerous building on the property described in the notice, the Building Official shall file a new notice with the REGISTER of Deeds certifying that the building has been demolished or all required conditions have been MET so that the building is no longer unsafe or dangerous.

(D) Notice.

(1) When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the Building Official shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to the owner, agent or lessee registered with the Building Department. If no owner, agent or lessee has been registered, then the notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) The Mayor shall appoint two (2) or more Hearing Officers, TO SERVE AT HIS PLEASURE. AT LEAST ONE (1) HEARING OFFICER shall be a registered engineer and NONE SHALL BE CITY EMPLOYEES. There shall be a minimum of one (1) hearing DATE per month. EACH SEPARATE MATTER NOTICED TO BE HEARD AT THE HEARING SHALL BE ASSIGNED TO ONE (1) HEARING OFFICER. THE HEARING OFFICER MAY CONSULT WITH ANY OTHER OFFICER BEFORE MAKING HIS/HER FINDING. The Building Official shall file a copy of the notice of the dangerous or unsafe condition with the Hearing Officer.

(5) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records at least ten (10) days before the date of the hearing described in the notice. In addition to mailing the notice, a copy thereof shall be posted upon conspicuous part of the building or structure.

(E) Hearing and Costs.

(1) The Hearing Officer shall take testimony of the Building Official, the owner of the property and any interested party. The Hearing Officer shall render

his decision, either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(2) If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he/SHE shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(3) If the owner, agent or lessee fails to appear or fails to act within two (2) weeks from the date of the hearing, the Hearing Officer shall file a report of his/HER findings and a copy of THE order with the Council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the Hearing Officer shall be served upon the owner, agent or lessee in the manner prescribed in subsection (d).

(4) The Council shall fix a date for hearing, reviewing the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in subsection (d) of the time and place of the hearing. At the hearing the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Council shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure. If the Council makes the determination that the building shall be demolished or made safe, the owner, agent, or lessee shall have twenty (20) days within which to commence repairs or demolition. If, after twenty (20) days, the Council's order has not been substantially complied with, Council may order the Building Official to proceed with the work specified in such order.

(5) Any cost incurred by the City in the demolition or making the building safe shall be a lien against the real property and shall be reported to the CITY ASSESSOR, who shall assess the cost against the property on which the building is located.

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such costs by first-class mail at the address shown on the records. If THE OWNER OR PARTY IN INTEREST fails to pay the same within thirty (30) days after mailing by the CITY Assessor of the notice of the amount thereof, the CITY Assessor shall add the same to the next tax roll of THE CITY and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by THE CITY.

(F) Appeal to Circuit Court. An owner aggrieved by an final decision or order of the Council under subsection (e), may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

SEC. 9A-15. Appeal.

(a) Form of Appeal. Any person receiving notice under section 9A-12(B), EXCEPT A PERSON RECEIVING NOTICE OF A VIOLATION OF SECTION 9A-11, SUBSTANDARD PREMISES, may appeal from any notice and order or any action of the Building Official under this Code by filing a written appeal at the office of the Building Official within ten (10) days from the date of receiving such notice.

(b) **Processing of Appeal.** Upon receipt of any appeal filed pursuant to this section, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

(c) **Scheduling and Noticing Appeal for Hearing.** As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Secretary of the Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at THE address shown on the appeal.

(d) **Effect of Failure to Appeal.** Failure of any person to file such appeal shall constitute a waiver of THE right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

(e) **Scope of Hearing on Appeal.** Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(f) **Staying of Order Under Appeal.** Enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

(g) **SUBSTANDARD PREMISES NOTICE/ORDER REVIEW.** ANY PERSON RECEIVING A NOTICE/ORDER FOR A VIOLATION UNDER 9A-11, OR HAVING AN INTEREST IN THE SUBJECT PREMISES MAY HAVE SUCH NOTICE/ORDER REVIEWED BY THE DIRECTOR OF THE BUILDING SAFETY DIVISION OR HIS/HER DESIGNEE EXCEPT THAT THE DESIGNEE SHALL NOT BE THE BUILDING OFFICIAL WHO ISSUED THE NOTICE/ORDER.

THE DIRECTOR OR DESIGNEE MAY, ON THE BASIS OF INFORMATION PRESENTED BY OR ON BEHALF OF A PERSON AGGRIEVED BY THE NOTICE/ORDER:

(1) **AFFIRM, MODIFY OR RESCIND THE NOTICE/ORDER OF THE BUILDING OFFICIAL.**

(2) **GRANT AN EXTENSION OF TIME NOT TO EXCEED AN ADDITIONAL THREE (3) DAYS TO COMPLY WITH THE NOTICE/ORDER; PROVIDED THAT NO SUCH EXTENSION SHALL BE GRANTED IF THE DIRECTOR OR DESIGNEE DETERMINES THAT THE CONDITION CITED IN THE NOTICE/ORDER IS IMMINENTLY DANGEROUS TO LIFE OR PROPERTY.**

SEC. 9A-16. Registry, inspection, procedures, fees, certification and administration requirements.

(a) **Registry.** THE BUILDING SAFETY DIVISION OF THE CITY SHALL MAINTAIN A REGISTRY OF OWNERS OF ALL RENTAL DWELLINGS AND UNITS, INCLUDING MULTIPLE, SINGLE FAMILY AND TWO (2) FAMILY DWELLINGS, and lodging houses containing three (3) or more dwelling units, efficiently dwelling units, or guest rooms or combination thereof EXCEPT OWNER OCCUPIED SINGLE FAMI-

LY OR TWO (2) FAMILY DWELLINGS. OWNERS SUBJECT TO THE PROVISIONS OF THIS SECTION shall register their name(s) and places of residence or USUAL PLACES OF business and the location of the premises regulated by this CODE with the Building Safety DIVISION. THE OWNERS SHALL BE RESPONSIBLE FOR REGISTRATION WITHIN SIXTY (60) DAYS FOLLOWING THE DAY ON WHICH THE OWNER OFFERS THE DWELLING OR UNIT FOR OCCUPANCY. IF THERE IS A TRANSFER OR CHANGE IN ANY OWNER OR AGENT REQUIRED TO REGISTER UNDER THIS SECTION, THE NEW OWNER OR AGENT SHALL, WITHIN FIFTEEN (15) DAYS OF SUCH TRANSFER OR CHANGE, NOTIFY THE BUILDING SAFETY DIVISION THEREOF AND PROVIDE THE INFORMATION REQUIRED UNDER THIS SECTION. If the premises ARE managed or operated by an agent, the agent's name and place of business shall be placed with the owner in the registry. The owner shall provide such other information as may be required by the DIVISION OF BUILDING SAFETY.

RENTAL AS USED IN THIS SECTION MEANS ANY PREMISES DESCRIBED IN SUBSECTION A, WHICH IS OR WILL BE OFFERED TO LET, OR TO HIRE, FOR MORE THAN SIX (6) MONTHS OF A CALENDAR YEAR.

(b) **Inspections AND INSPECTION INTERVALS.** THE BUILDING OFFICIAL shall inspect on a periodic basis, ALL dwellings, AND UNITS REQUIRED TO BE REGISTERED UNDER this section. In no event shall the period between inspections be longer than two years EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION. Inspections shall be conducted in the manner best calculated to secure compliance with THIS Code AND APPROPRIATE TO THE NEEDS OF THE COMMUNITY. THE BUILDING OFFICIAL MAY REQUEST PERMISSION TO ENTER ALL PREMISES REGULATED BY THIS CODE AT REASONABLE HOURS TO UNDERTAKE AN INSPECTION. UPON AN EMERGENCY, THE BUILDING OFFICIAL SHALL HAVE THE RIGHT TO ENTER AT ANY TIME.

Inspections may be conducted on one or more of the following bases:

(1) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(2) A complaint basis, such that complaints of violations will be inspected within a reasonable time.

(3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

(C) **FEEES. THE CITY SHALL CHARGE FEES FOR INSPECTION AND/OR REGISTRATION WHICH SHALL BE SET BY COUNCIL RESOLUTION.**

(D) **NONEMERGENCY, WARRANT, CONTENT**

(1) IN A NONEMERGENCY SITUATION WHERE THE OWNER OR OCCUPANT DEMANDS A WARRANT FOR INSPECTION OF THE PREMISES, THE BUILDING OFFICIAL SHALL OBTAIN A WARRANT FROM A COURT OF COMPE-

TENT JURISDICTION. THE BUILDING OFFICIAL SHALL PREPARE THE WARRANT, STATING THE ADDRESS OF THE BUILDING TO BE INSPECTED, THE NATURE OF THE INSPECTION, AS DEFINED IN THIS SECTION, OR OTHER APPLICABLE CODES OR STATUTES, AND THE REASONS FOR THE INSPECTION. IT SHALL BE APPROPRIATE AND SUFFICIENT TO SET FORTH THE BASIS FOR INSPECTION (E.G., COMPLAINT, AREA OR RECURRENT VIOLATION BASIS) ESTABLISHED IN THIS SECTION. IF THE WARRANT IS ISSUED PURSUANT TO THIS SECTION, IT SHALL SO STATE AND THAT IT IS FOR THE PURPOSES SET FORTH IN THIS SECTION.

(2) IF THE COURT FINDS THAT THE WARRANT IS IN PROPER FORM AND IN ACCORD WITH THIS SECTION, IT SHALL BE ISSUED FORTHWITH.

(3) IN THE EVENT OF AN EMERGENCY, NO WARRANT SHALL BE REQUIRED.

(E) INSPECTION IN PUBLIC INTEREST, RECORDS AND CHECKLISTS OF INSPECTIONS.

(1) IT IS THE POLICY OF THE CITY THAT THE INSPECTION PROCEDURES SET FORTH IN THIS CODE ARE ESTABLISHED IN THE PUBLIC INTEREST, TO SECURE THE HEALTH AND SAFETY OF THE OCCUPANTS OF DWELLINGS AND OF THE GENERAL PUBLIC.

(2) THE BUILDING SAFETY DIVISION SHALL KEEP A RECORD OF ALL INSPECTIONS.

(3) THE BUILDING SAFETY DIVISION SHALL MAKE AVAILABLE TO THE GENERAL PUBLIC A CHECKLIST OF COMMONLY RECURRING VIOLATIONS FOR USE IN EXAMING PREMISES OFFERED FOR OCCUPANCY.

(F) Certificate of compliance.

(1) RENTAL DWELLINGS OR UNITS REQUIRED BY THIS CODE TO BE REGISTERED SHALL NOT BE OCCUPIED UNLESS A CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED BY THE BUILDING SAFETY DIVISION. THE CERTIFICATE SHALL BE ISSUED ONLY UPON AN INSPECTION OF THE PREMISES BY THE BUILDING SAFETY DIVISION, EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION. THE CERTIFICATE SHALL BE ISSUED WITHIN FIFTEEN (15) DAYS AFTER WRITTEN APPLICATION THEREFORE IF THE DWELLING AT THE TIME OF THE APPLICATION IS ENTITLED THERETO.

(2) A VIOLATION OF THIS CODE SHALL NOT PREVENT THE ISSUANCE OF A CERTIFICATE, BUT THE BUILDING SAFETY DIVISION SHALL NOT ISSUE A CERTIFICATE WHEN THE EXISTING CONDITIONS CONSTITUTE A HAZARD TO THE HEALTH OR SAFETY OF THOSE WHO MAY OCCUPY THE PREMISES.

(3) IN THE CASE OF NEW CONSTRUCTION, INSPECTIONS SHALL BE MADE PRIOR TO FIRST OCCUPANCY, IF THE CONSTRUCTION OR ALTERATION IS COMPLETED AND FIRST OCCUPANCY WILL OCCUR AFTER THE EFFECTIVE DATE OF THIS SECTION. STRUCTURES INSPECTED UNDER THIS SECTION PRIOR TO FIRST

OCCUPANCY SHALL BE FIRST REINSPECTED WITHIN SIX (6) YEARS AND THEREAFTER AT TWO (2) YEAR INTERVALS. WHERE FIRST OCCUPANCY OF SINGLE FAMILY OR TWO (2) FAMILY DWELLINGS HAS OCCURRED BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE FIRST INSPECTION SHALL BE MADE WITHIN FOUR (4) YEARS OF THE PASSAGE OF THIS SECTION, AND THEREAFTER, INSPECTIONS SHALL BE AT TWO (2) YEAR INTERVALS. UPON A FINDING THAT THERE IS NO CONDITION THAT WOULD CONSTITUTE A HAZARD TO THE HEALTH AND SAFETY OF THE OCCUPANTS AND THAT THE PREMISES ARE OTHERWISE FIT FOR OCCUPANCY, THE CERTIFICATE SHALL BE ISSUED. IF THE FINDING IS OF A CONDITION THAT WOULD CONSTITUTE A HAZARD TO HEALTH OR SAFETY, NO CERTIFICATE SHALL BE ISSUED, AND AN ORDER TO COMPLY WITH THE CODE SHALL BE ISSUED IMMEDIATELY AND SERVED UPON THE OWNER IN ACCORDANCE WITH SECTION H. ON REINSPECTION AND PROOF OF COMPLIANCE, THE ORDER SHALL BE RESCINDED AND A CERTIFICATE ISSUED.

(4) UPON A FINDING THAT THERE IS A VIOLATION OF THIS CODE BUT THAT THE VIOLATION DOES NOT CONSTITUTE A HAZARD TO THE HEALTH AND SAFETY OF THE OCCUPANTS, A TEMPORARY CERTIFICATE SHALL BE ISSUED, BUT SUCH CERTIFICATE SHALL NOT AFFECT ENFORCEMENT OF THE VIOLATION UNDER THIS CODE.

(G) APPLICATION FOR CERTIFICATE.

(1) WHEN A CERTIFICATE IS WITHHELD PENDING COMPLIANCE, NO PREMISES WHICH HAVE NOT BEEN OCCUPIED OR ARE NOT OCCUPIED FOR DWELLING PURPOSES SHALL BE SO OCCUPIED, AND THOSE PREMISES WHICH ARE OCCUPIED FOR DWELLING PURPOSES MAY BE ORDERED VACATED UNTIL REINSPECTION AND PROOF OF COMPLIANCE IN THE DISCRETION OF THE BUILDING OFFICIAL.

(2) A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED ON CONDITION THAT THE PREMISES REMAIN IN SAFE, HEALTHFUL AND FIT CONDITION FOR OCCUPANCY. IF UPON REINSPECTION THE BUILDING OFFICIAL DETERMINES THAT CONDITIONS EXIST WHICH CONSTITUTE A HAZARD TO HEALTH OR SAFETY, THE CERTIFICATE SHALL BE IMMEDIATELY SUSPENDED AS TO AFFECTED PREMISES, AND THE PREMISES MAY BE VACATED AS PROVIDED IN SUBSECTION (1).

(H) TEMPORARY CERTIFICATE.

(1) AN OWNER SHALL APPLY FOR A CERTIFICATE OF COMPLIANCE. INSPECTION AND ISSUANCE OF CERTIFICATES SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CODE AND WITH PROCEDURES ESTABLISHED BY THE BUILDING SAFETY DIVISION. THE BUILDING SAFETY DIVISION MAY AUTHORIZE THE ISSUANCE OF TEMPORARY CERTIFICATES WITHOUT INSPECTION FOR THOSE PREMISES IN WHICH THERE

ARE NO VIOLATIONS OF RECORD AS OF THE EFFECTIVE DATE OF THIS CODE, AND SHALL ISSUE SUCH TEMPORARY CERTIFICATES UPON APPLICATION IN CASES WHERE INSPECTIONS ARE NOT CONDUCTED WITHIN A REASONABLE TIME. TEMPORARY CERTIFICATES SHALL ALSO BE ISSUED FOR PREMISES WITH VIOLATIONS OF RECORD, WHETHER EXISTING BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION, WHEN THE OWNER CAN SHOW PROOF OF HAVING UNDERTAKEN TO CORRECT SUCH CONDITIONS, OR WHEN AN OWNER REHABILITATION PLAN HAS BEEN ACCEPTED BY THE COURT.

(2) AN APPLICATION FOR A CERTIFICATE SHALL BE MADE WHEN THE OWNERS, OR ANY OF THEM, ENROLL IN THE REGISTRY OF OWNERS AND PREMISES.

(I) VIOLATION CORRECTION AND INSPECTION.

(1) IF, UPON INSPECTION, THE PREMISES OR ANY PART THEREOF ARE FOUND TO BE IN VIOLATION OF ANY PROVISION OF THIS CODE, THE VIOLATION SHALL BE RECORDED BY THE BUILDING SAFETY DIVISION IN THE REGISTRY OF OWNERS AND PREMISES.

(2) THE OWNER, AND IN THE DISCRETION OF THE BUILDING SAFETY DIVISION, THE OCCUPANTS, SHALL BE NOTIFIED IN WRITING OF THE EXISTENCE OF THE VIOLATION AND SHALL BE ORDERED TO CORRECT THE VIOLATION AS PROVIDED IN THIS CODE.

(3) THE BUILDING SAFETY DIVISION SHALL REINSPECT AFTER SUCH REASONABLE TIME FOR THE PURPOSE OF ASCERTAINING WHETHER THE VIOLATIONS HAVE BEEN CORRECTED.

(J) ENFORCEMENT. THIS SECTION SHALL NOT LIMIT OR DEROGATE RIGHTS OF ACTION AT COMMON LAW NOR ENFORCEMENT OF STATUTES REGULATING THE SUBJECT MATTER OF THIS ORDINANCE.

SEC. 9A-17. INSPECTION OF VACANT OR BOARDED BUILDING AND ISSUANCE OF WARRANT.

(A) INSPECTION OF VACANT OR BOARDED BUILDINGS. ANY BUILDING DESIGNED OR INTENDED TO BE USED FOR HUMAN HABITATION WHICH IS UNOCCUPIED OR VACANT OR WHICH IS UNOCCUPIED AND BOARDED OVER IN SUCH A MANNER AS TO PREVENT USE OF ANY DOOR OR WINDOW, SHALL BE INSPECTED AT THE REQUEST OF THE BUILDING OFFICIAL WHEN SUCH FAILURE TO OCCUPY AND/OR BOARDING HAS EXISTED FOR A PERIOD OF MORE THAN ONE HUNDRED EIGHTY (180) DAYS IMMEDIATELY PRECEDING THE DATE THE BUILDING OFFICIAL MAKE THE REQUEST FOR INSPECTION.

REQUEST FOR INSPECTION AS USED IN THIS SECTION MEANS EITHER A VERBAL RE-

QUEST MADE OF ANY OWNER OF THE BUILDING OR A WRITTEN REQUEST MAILED TO THE OWNER, AGENT, OR LESSOR REGISTERED WITH THE BUILDING SAFETY DIVISION OR, IF NO OWNER, AGENT, OR LESSOR HAS BEEN REGISTERED, THEN MAILED TO EACH OWNER OR PARTY IN INTEREST, IN WHOSE NAME THE PROPERTY APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS. WRITTEN REQUEST SHALL BE SERVED IN THE SAME MANNER AS PROVIDED FOR SERVICE OF A NOTICE IN SECTION 9A-12(c) AND BE CONSIDERED RECEIVED THREE (3) DAYS AFTER MAILING.

(B) ADDITIONAL INSPECTIONS. AFTER THE INITIAL INSPECTION OF A BUILDING DESCRIBED IN SUBSECTION A OF THIS SECTION, THE BUILDING OFFICIAL SHALL INSPECT SAID BUILDING ON A PERIODIC BASIS AS LONG AS SUCH NONUSE AND/OR BOARDING CONTINUES. IN NO EVENT SHALL THE PERIOD BETWEEN INSPECTIONS BE LONGER THAN SIX (6) MONTHS.

(C) ISSUANCE OF WARRANT. IF THE OWNER, AGENT OR LESSOR FAILS TO RESPOND OR CONSENT TO ANY INSPECTION REQUEST, THE BUILDING OFFICIAL SHALL OBTAIN A WARRANT FOR INSPECTION FROM A COURT OF COMPETENT JURISDICTION. THE BUILDING OFFICIAL SHALL PREPARE THE WARRANT WITH THE ASSISTANCE OF THE CITY ATTORNEY OR HIS/HER DESIGNEE. THE WARRANT SHALL STATE THE ADDRESS OF THE BUILDING TO BE INSPECTED AND THAT IT IS ISSUED PURSUANT TO THIS SECTION. THE POLICY STATED IN SECTION 9A-16(E)(1) OF THIS CODE APPLIES TO THIS SECTION.

SEC. 9A-18. SAVINGS PROVISION. ALL ORDINANCES OR PARTS OF ORDINANCES REPEALED OR AMENDED BY THIS AMENDATORY REVISION OF CHAPTER 9A SHALL REMAIN EFFECTIVE AFTER THE EFFECTIVE DATE THIS REVISION FOR THE ENFORCEMENT OF ANY VIOLATION THEREOF OCCURRING BEFORE THE SAID EFFECTIVE DATE.

SEC. 9A-16-19. Severability.

The sections, paragraphs, sentences, clauses and phrases of this ORDINANCE are severable, and if any phrase, clause, sentence, paragraph or section of this ORDINANCE shall be declared invalid by the judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ORDINANCE.

Section 2. All ordinances or parts of ordinances inconsistent with the provision hereof are hereby repealed.

Section 3. This ordinance shall take effect July 1, 1987.

By COUNCILMEMBER CREAMER—

That Councilmember Blair be excused from voting on this Ordinance.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by adding a new Article XVA to Chapter 36, containing sections numbered 36-145.13 and 36-145.14 to provide for the establishment of the boundaries of the Cedar/Larch Neighborhood Development Area and Citizens District Area and to provide for the appointment of a Citizens District Council be placed on order of immediate passage.

By COUNCILMEMBER CREAMER—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER CREAMER—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by adding a new Article XVA to Chapter 36, containing sections numbered 36-145.13 and 36-145.14 to provide for the establishment of the boundaries of the Cedar/Larch neighborhood Development Area and Citizens District Area and to provide for the appointment of a Citizens District Council be not passed.

ADOPTED by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(8).

NAYS: None.

ABSENT: None.

ABSTENSION: Councilmember Blair—(1).

ORDINANCE NO. 737

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT CHAPTER 36 BE AMENDED BY ADDING A NEW ARTICLE XVA CONTAINING SECTIONS NUMBERED 36-145.13 AND 36-145.14 TO PROVIDE FOR THE ESTABLISHMENT OF THE BOUNDARIES OF THE CEDAR/LARCH NEIGHBORHOOD DEVELOPMENT AREA AND CITIZENS DISTRICT AREA AND TO PROVIDE FOR THE APPOINTMENT OF A CITIZENS DISTRICT COUNCIL.

The City of Lansing Ordains:

Section 1. That Chapter 36 of the Code of Ordinances of the City of Lansing, Michigan be amended by adding a new Article XVA containing Sections numbered 36-145.13 and 36-145.14 to read as follows:

ARTICLE XVA. CEDAR/LARCH NEIGHBORHOOD DEVELOPMENT AREA

Sec. 36.145-13 BOUNDARIES DESIGNATED.

THE BOUNDARIES OF THE CEDAR/LARCH NEIGHBORHOOD DEVELOPMENT AREA AND CITIZENS DISTRICT AREA CREATED PURSUANT TO 1945 PA 344 AS AMENDED, SHALL BE AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE GRAND RIVER WITH THE CENTER LINE OF SAGINAW STREET; THENCE SOUTH ALONG THE EAST BANK OF THE GRAND RIVER TO ITS INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF I-496; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY OF I-496 TO ITS INTERSECTION WITH THE EAST SECTION LINE OF SECTION 16; THENCE NORTH ALONG THE EAST SECTION LINE OF SECTION 16 TO ITS INTERSECTION WITH THE CENTER LINE OF SAGINAW STREET; THENCE WEST TO THE POINT OF BEGINNING.

SEC. 36.145.14 CITIZENS DISTRICT COUNCIL CREATED-APPOINTMENT OF MEMBERS, POWERS AND DUTIES.

THERE SHALL BE CREATED A CITIZENS DISTRICT COUNCIL FOR THE CEDAR/LARCH CITIZENS DISTRICT AREA PURSUANT TO 1945 PA 344 AS AMENDED. THE CITIZENS DISTRICT COUNCIL SHALL CONSIST OF TWELVE (12) APPOINTED MEMBERS. AT LEAST SEVEN (7) OF THE TWELVE (12) SHALL BE RESIDENTS APPOINTED FROM THE CEDAR/LARCH NEIGHBORHOOD DEVELOPMENT AREA; THE BALANCE MAY BE OTHER PERSONS WITH A DEMONSTRABLE AND SUBSTANTIAL INTEREST IN THE CEDAR/LARCH NEIGHBORHOOD DEVELOPMENT AREA. THE MEMBERS OF THE CITIZENS DISTRICT COUNCIL SHALL BE APPOINTED BY THE MAYOR. THE TERM OF EACH REPRESENTATIVE ON THE CITIZENS DISTRICT COUNCIL SHALL BE THREE (3) YEARS.

THE RIGHTS, DUTIES AND FUNCTIONS OF THE CITIZENS DISTRICT COUNCIL SHALL BE THE SAME AS SET FORTH IN 1968 PA 189 AND 1969 PA 173 INCLUDING ANY OTHER AMENDMENTS TO THIS ACT AS THEY MAY AFFECT THESE RIGHTS, DUTIES AND FUNCTIONS. ALL VACANCIES IN MEMBERSHIP OCCURRING ON THE CITIZENS DISTRICT COUNCIL THROUGH RESIGNATION OR EXPIRATION OF TERM OF OFFICE SHALL BE FILLED BY APPOINTMENT BY THE MAYOR IN ACCORDANCE WITH THE SAME PROCEDURE USED FOR THE INITIAL APPOINTMENTS.

Section 2. All ordinance or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBERS BELEN, ADADO AND SCHMIDT—

RESOLUTION #0561

Resolved by the City Council of the City of Lansing:

Whereas, the board of directors of the Boys and Girls Club of Lansing has requested additional funding from the City of Lansing to assist in the organization's drive to erect a new facility to better serve the youth of Lansing; and

Whereas, the Boys and Girls Club of Lansing has been an outstanding community service agency which has helped thousands of your people develop into caring and participating adults in this city; and

Whereas, the current facilities for the Boys and Girls Club of Lansing are not adequate to meet the needs of the organization's programs; and

Whereas, the City Council desires to assist the Club's board of directors in their efforts to gain contributions from other public and private sources so that the fund drive may gain wide local support;

Now, Therefore, Be It Resolved the Lansing City Council hereby expresses its intent to allocate \$15,000 per year in the next three budget years to the Boys and Girls Club of Lansing toward development of new facilities to improve services to the youth of Lansing.

By COUNCILMEMBER BLAIR—

I move that we table this item.

LOST by the following vote:

YEAS: Councilmembers Blair, Creamer, Lindemann, and Worthington—(4).

NAYS: Councilmembers Benavides, Adado and Schmidt—(3).

ABSENT: Councilmember Belen—(1).

COUNCILMEMBER BLAIR moved to consider the resolution read and a roll call vote to be taken, then changed his mind and withdrew the motion and asked it be delayed until the end of the meeting.

Carried.

Resolution was considered at end of meeting and Councilmember Belen was present.

By COUNCILMEMBER LINDEMANN—

I moved to amend this resolution by including the Boy Scouts and Girl Scouts to be funded in the amount of \$15,000 per year for next three years; also \$20,000 to the Child Abuse and Neglect and \$15,000 to WKAR.

LOST by the following vote:

YEAS: Councilmembers Adado, Blair, Lindemann, and Worthington—(4).

NAYS: Councilmembers Belen, Benavides, Creamer and Schmidt—(4).

ABSENT: None.

The Resolution as presented LOST by the following vote:

YEAS: Councilmembers Adado, Belen, Benavides and Schmidt—(4).

NAYS: Councilmembers Blair, Creamer, Lindemann and Worthington—(4).

ABSENT: None.

By COUNCILMEMBERS WORTHINGTON AND ADADO—

Resolved by the City Council of the City of Lansing that the rules of the Council be waived for the purpose of presenting items not listed on the agenda:

Carried.

Letter from Dickinson, Wright, Moom, VanDusen and Freeman Law Firm regarding the Michigan Square Project, Phase I.

Referred to the Committee on Economic Development.

Letter from Greg and Diane M. Wade, 534 Cherry Street, in support of passage of the Housing Ordinance.

Referred to the Committee on General Services.

REMARKS BY THE MAYOR'S EXECUTIVE ASSISTANT

No comments.

REMARKS BY THE CITY COUNCIL

Councilmember Schmidt announced that the City Council meeting for December 29, 1986 has been cancelled.

Also announced a meeting with East Lansing City Council on Tuesday, December 9, 1986 at 8 a.m.

Councilmember Benavides reminded councilmembers of an 8 a.m. meeting on Friday with the state legislators.

Councilmember Worthington thanked councilmembers and others who helped with and supported the Housing Ordinance.

REMARKS FROM THE AUDIENCE

Ellen Moore, 1620 Osband, spoke regarding the Housing Ordinance passage and remarked that council did not listen to their constituents.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

DECEMBER 8, 1986

COUNCIL PROCEEDINGS

831

Council adjourned at 10:15 P.M.

RITA M. BAUMAN
City Clerk

Lansing, Michigan
December 8, 1986

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, December 15, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

December 15, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Absent: Councilmembers Blair and Creamer—(2).

The Clerk announced that a quorum of the council was present.

Invocation was given by Councilmember Lindemann.

Pledge of Allegiance.

The Council proceedings for November 13 (special meeting) and 17, 1986 were approved.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting items not listed on the agenda.

Carried.

Greg Hoffman, Director of Community Services and Referral Center, spoke regarding Daytime Resource Center at 109 W. Kalamazoo St. Renee Vowels, Coordinator of the Daytime Center spoke.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That the rules of the council be waived for the purpose of presenting the following resolution for Fred Tittle's appointment to the Elected Officers Compensation Commission. The Oath of Office was given to Mr. Tittle at this time.

That the Mayor's appointment of Fred Tittle to the Elected Officers Compensation Commission, for a term to expire October 1, 1991, is hereby confirmed.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays—None

Absent—Councilmembers Blair and Creamer—(2).

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3-MINUTES ON ANY ONE ITEM.

Mary Elias, Okemos, MI, spoke regarding flooding of Duplex claim letter of City Attorney letters lg.

Robert Voigt, Walter French Neighborhood Association, spoke in support of Committee Report 3a.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been submitted for licenses:

Public Drivers—Vivian R. Wright, Leland Roy Hazel, Sr.

Bowling Alley—Pro-Bowl.

Referred to the Committee on General Services.

Claims filed by:

a. William B. Narmore, Traverse City, MI, for removal of special assessment on property located at 212 Shepard St.

b. AAA Michigan for reimbursement of damages to automobile of Mary Espinoza due to police car hitting it when legally parked.

c. Ronald J. Cliff for removal of special assessment for property on Heald Place.

Referred to the City Attorney.

COMMITTEE OF THE WHOLE—

RESOLUTION #0562

Petitions filed for rezonings:

a. Z-34-86—4100 N. Grand River Ave., described as:

Part of the Northeast $\frac{1}{4}$ of Section 6, T4N, R2W, City of Lansing, Ingham County, Michigan, described as commencing at the North $\frac{1}{4}$ post of Section 6, then South $89^{\circ} 50' 40''$ East along the North line of Section 6, 1215.12 ft. to the point of beginning, thence south $89^{\circ} 50, 40''$ East along the North line of Section 6, 49.84 ft. the South line of C&O railway, thence South $83^{\circ} 33' 50''$ East along railway 93.73 feet, thence South $47^{\circ} 02' 50''$ East 297.90 ft., thence South $0^{\circ} 33' 40''$ West 1312.75 ft, to the North line of Hwy. U.S. 16, thence North $69^{\circ} 07' 39''$ West 221.11 feet, thence North $0^{\circ} 33' 40''$ East 853.83 feet, thence North $49^{\circ} 29' 55''$ East 453.94 feet to the point of beginning, subject to easements, restrictions, and rights-of-way of record, to be rezoned from "A" Residential District to "H" Light Industrial District, filed by Lansing Community College.

b. Z-35-86—6900 Block S. Cedar St. (East side) between Benton and Brookdale Street, described as:

Lot numbers, 93, 94, 95, 96, 97, 98, 113, 114, 115, 116, 117 and 118 Justamere Farms No. 1, City of Lansing, Ingham Co., to be rezoned from "A" Residential District to "F" Commercial District filed by William E. Boring.

Referred to the Mayor and Planning Board.

Michigan Liquor Control Commission submits request from Perna Enterprises, Inc. to transfer ownership of a 1986 Class C licenses business, located at 623 E. Michigan Ave. from Assunta DeMarco.

Referred to the City Clerk

Dale C. Swihart, Jr. submits letter regarding vote taken last week for funding of the Boys and Girls Club of Lansing.

Received and placed on file.

Steven T. Floyd requests time to speak in regard to work related injury.

Received and placed on file.

MAYOR'S COMMENTS ON AGENDA ITEMS

Mayor's letters 3a (Proclamation: National Drunk and Drugged Driving Awareness Week), 3b (Old-Timers Baseball Association—27th Annual Family Night request for waiver of rental and parking fees at Civic Center); 3c (Interim Report on the City's Financial Position covering the quarter ending Sept. 30, 1986).

REPORT OF COMMITTEES

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following applications and bonds:

Public Drivers—Vivian R. Wright, Leland R. Hazel, Sr., Glenn S. Henderson

Bowling Alley—Pro-Bowl

reports as follows: That said applications be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
PAT LINDEMANN
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Blair and Creamer—(2).

The COMMITTEE ON WAYS AND MEANS—

To whom was referred the verbal agreement from the Budget Director on proposed funding of a bargaining unit agreement between the City and the Firefighters' Union if said agreement is ratified by the City Council,

Reports as follows: The Committee of the Whole has placed a resolution on this meeting's agenda to ratify the agreement and to give the Budget Office authority to administratively transfer funds to implement the agreement. The Committee on Ways and Means has reviewed this matter and endorses the proposed funding method in the resolution.

Signed:

PAT LINDEMANN
SIDNEY P. WORTHINGTON
Committee on Ways and Means

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindeman, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Blair and Creamer—(2).

By COUNCILMEMBER SCHMIDT—

I move that we substitute this Committee Report for the one in the packet.

Carried.

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the Planning Board recommendation regarding the property at 1900 South Cedar Street.

Reports as follows: 1) Committee recommends the closing of the ingress and egress to Riley Street from the Walter French property; 2) installation of a new curb cut located halfway north to the intersection of Mt. Hope and Cedar Street; and 3) that the issue of traffic circulation to and from the property be referred to the Public Safety and Properties Committee.

Signed:

LUCILE E. BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER BELEN—

That the report of the Committee be approved.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindeman, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Blair and Creamer—(2).

The COMMITTEE ON PHYSICAL DEVELOPMENT—

To whom was referred the Ordinance revising Sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Area.

Reports as follows: that said ordinance be approved.

Signed:

LUCILE E. BELEN
ALFREDA SCHMIDT
Committee on Physical Development

By COUNCILMEMBER CREAMER—

That the report of the Committee be adopted.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavides, Lindeman, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Blair and Creamer—(2).

REPORTS ON CITY OFFICERS AND BOARDS

December 10, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Eleanor Barnes

Dear President Benavides
and Members of Lansing City Council

On December 8, 1986 Eleanor Barnes filed a claim alleging vehicle damage from white paint sprayed on her car while parked in the 100 block of the South Washington Square Mall.

This matter has been referred for investigation and resolution to the general contractor of the Approach to the Capitol construction project, Kamminga & Roodvoets, Inc., Grand Rapids.

Therefore, no further action is necessary by the Council at this time.

Very truly yours,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and no further action is necessary by the Council at this time.

Carried.

December 10, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Bengt Val Thulin

Dear President Benavides
and Members of Lansing City Council

On January 28, 1986, Bengt Val Thulin, 901 Second Street, Jackson, Michigan, filed a reimbursement claim for personal items seized by the Lansing Police Department on December 12, 1984, when he was arrested for kidnapping. Claimant alleged that since the search warrant did not list the items seized, they were illegally seized or "stolen."

Lansing Police Department investigated this claim and reported to this office that on December 11 and 12, 1984, claimant, who was armed with various weapons, had threatened violence to himself and others and had barricaded himself and his two minor children at the above Lansing address.

The Police Department managed to diffuse the situation by disarming and arresting the claimant without serious injury to anyone, including the claimant. All items of the claimant in his possession on the day of the crime and which were considered implements of the crime were seized and destroyed. Items which were not seized and were considered to be implements of the crime were returned to him. There are no records that many of the items which he claims were seized or destroyed, such as the snapshot camera and the World War I vintage hunting knife, were ever taken by the Lansing Police Department. Claimant contends that the items which were not returned to him were illegally seized or "stolen", because the items were not listed on the search warrant obtained by the police. However, the police also had a warrant for the arrest of the claimant. Those items were seized pursuant to his arrest for kidnapping.

MCLA 764.25 mandates:

Any person making an arrest shall take from the person arrested, all offensive weapons or incriminating articles which he may have about his person and must deliver them to the sheriff of the county, chief of police of the city or to the magistrate before whom he is taken.

Accordingly, there is no legal basis for claimant's contention the items were illegally seized or "stolen".

As to the forfeiture of certain of the items seized, namely the knives and pistols, Michigan provides that pistols, weapons and devices carried or used in violation of state law are forfeited to the State and must be turned over to the State Police for this disposition. See MCLA 750.239.

Therefore, based upon the law as applied to the facts presented here, it is the recommendation of the Police Department and this office that this claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 11, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Mylene Randall

Dear President Benavides
and Members of Lansing City Council

On November 10, 1986, Mylene M. Randall, 1652 Stonehaven Drive, Holt, filed a \$65.20 claim for damages to her car at the South Capitol Parking Ramp on November 6, 1986.

This claim was investigated by the Public Service Department which reported to our office that on November 6, 1986 at approximately 7:30 a.m. the claimant entered the South Capitol Garage at the Capital Avenue entrance where access is granted by a control card. As she proceeded through the entrance, the gate fell onto her vehicle and damaged the vinyl roof and scratched the trunk. Claimant submitted repair estimates, the lowest of which was \$65.20. Although there were no witnesses, the claimant reported the incident to the Parking Supervisor shortly after it happened. The gate was inspected by the Parking Supervisor and appeared to function normally. The gate had not malfunctioned previously.

There is no indication in this instance that the damage was due to negligence on the part of the City. However, the Transportation Engineer indicates to this office that driver error did not occur and mechanical devices may have intermittent failures. Therefore, the Transportation Engineer recommends payment of this claim.

Based upon the aforementioned facts and the recommendation of the Transportation Engineer, it is the recommendation of this office that the claim be paid in the amount of \$65.20.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and the City Clerk be and he is hereby authorized to draw a warrant on the City Treasurer in the amount of \$65.20 payable to Mylene Randall.

Carried.

December 11, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Anne Alward

Dear President Benavides
and Members of Lansing City Council

On December 8, 1986, Anne Alward of 1407 W. Mt. Hope Avenue filed a claim seeking reimbursement in the amount of \$271.00 for ambulance services provided on October 13, 1986 by Lansing Mercy Ambulance.

Lansing Fire Department has informed this office that on October 13, 1986, the claimant's son called the Lansing Fire Department and requested that an ambulance be sent for his father due to his father's heart condition. The Lansing Fire Department dispatched Mercy Ambulance because a Lansing Fire Department ambulance was not available.

On October 17, 1986, the claimant's husband died. It is the opinion of the Lansing Fire Department that an emergency existed in this particular case and due to the fact that no Lansing Fire Department ambulance was available, that this claim be paid. Pursuant to City Charter, Section 4-303.5, the Fire Department is obligated to maintain and operate ambulance services as the residents of the City require and the City Council directs.

Based upon the Charter requirement and facts set forth above, it is the recommendation of the Fire Department and this office that the claim be paid.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and the City Clerk be and she is hereby authorized to draw a warrant on the City Treasurer in the amount of \$271.00 payable to Anne Alward.

Carried.

December 11, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Sonja Richardson

Dear President Benavides
and Members of Lansing City Council

On November 17, 1986, Sonja Richardson filed a claim with the City seeking reimbursement for ambulance services incurred on August 29, 1986.

The Fire Department investigated this matter and reported to our office that on August 29, 1986 the claimant's mother called 911 in order to have a Fire Department ambulance come to her house and pick up the claimant because the claimant was experiencing abdominal pains. While the Fire Department ambulance was on its way, the pains subsided and the mother contacted 911 and cancelled the ambulance. A short while later the pain returned and the mother contacted 911 again for ambulance service. This time, the 911 dispatched Lansing Mercy instead of a Fire Department ambulance. The dispatcher made that decision due to the non-emergency nature of the second call and the fact that there was a cancellation and recall. The Fire Chief has informed this office that although the second time the claimant's mother called, the dispatcher informed the claimant's mother that a private ambulance was going to be dispatched, the dispatcher, as required, did not inform the claimant's mother that there would be a charge for the ambulance service.

Due to the fact that this was a non-emergency situation and the fact that there were Fire Department ambulances available to handle the call if it was an emergency, there is no legal obligation on the part of the City to pay the bill for Lansing Mercy. However, the Fire Chief has informed this office that dispatchers are required to inform callers that if a non-emergency situation exists and a private ambulance service is utilized, there will be a charge for the ambulance service rendered which charge will be the responsibility of the caller. This information was not communicated to the claimant's mother by the dispatcher and therefore, the Fire Chief recommends that the ambulance charge be paid.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and the City Clerk be and she is hereby authorized to draw a warrant on the City Treasurer in the amount of \$150.00 payable to Sonja Richardson.

Carried.

December 11, 1986

President Benavides
Members of Lansing City Council

Re: Claim of Remita Brown

Dear President Benavides
and Members of Lansing City Council

On November 6, 1986, Remita Brown filed a claim requesting that a special assessment of \$519.25 for removal of debris at 605 South Hayford be removed from the tax roll. The Claimant's basis for her request is that she did not receive prior notification from the City to remove the debris and if she had, she would have had it removed herself.

The Building Safety Division has informed this office that on March 31, 1986, a written notice of violation at 605 South Hayford for trash was sent to the Claimant at 863 Hunter Blvd. The inspector inspected the property at 605 South Hayford on April 8, 1986 and the trash was still there. On April 16, 1986 the Contractor went out to 605 South Hayford and removed the trash and submitted a bill of \$389.25. The administrative charge of \$130.00 was added to the contractor's bill and a total special amount of \$519.25 was placed on the property at 605 South Hayford. Copies of all documents supplied by the Building Safety Division indicate that the proper notice was mailed to the proper address of the Claimant. In addition there is no record of the notice having been returned to the Building Safety Division by the Post Office as undeliverable.

Based upon the facts as set forth above, it is the recommendation of the Building Safety Division and this office that this claim be denied.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

The City Attorney's letter regarding Claim of Gilbert and Mary Elias was pulled for further study.

December 11, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of David and Brenda Higgins

Dear President Benavides
and Members of Lansing City Council

Mr. and Mrs. Higgins have submitted a claim for the cost of replacing the sewer lead line from their home to the City sewer within the street right of way. Before this claim was submitted, the claimants filed a small claims action against the City and Union Federal Savings & Loan who sold the property to them.

Investigation by the Public Service Department did not disclose any inspection by its personnel prior to inspection of the sewer lead construction by claimants on or about July 17, 1986.

Building Safety Division investigation disclosed that

a plumbing inspection was conducted April 17, 1986 at 5138 Hughes Road, the property in question. The Higgins had agreed to purchase this home in May, 1986 with the closing of the sale on June 23, 1986. Although the offer to purchase the property required certain inspections, the Higgins agree that the "house is purchased in 'as is' condition with seller making no representations either written or oral as to condition of the property." The plumbing inspection was requested and paid for by the seller.

The inspector discovered a number of plumbing deficiencies within the house, but inspection of running water showed that the drain accommodated a normal amount of water without problem. After the initial inspection, plumbing work was performed in the property under permit by a licensed plumber. This work was inspected and received final City approval.

Plumbing inspections performed by the Building Safety Division are limited in scope to those matters governed by the Uniform Plumbing Code. The inspections, therefore, do not include the sewer line from the house to the street. If, however, during inspection it is detected that there may be problems with the exterior drain, the inspector will suggest that a licensed plumber be consulted regarding such condition.

The Higgins predicate their claim on their belief and therefore reliance that the City inspection will reveal whether or not their sewer lead line was clogged by tree roots. For the reason that they expected the City inspection to exceed its purpose and scope, this reliance was misplaced. The inspector should not be expected to discover a drain problem that normal inspection by the Higgins did not reveal.

It is, therefore, the recommendation of the Building Safety Division and this office that the claim be denied on the basis of the facts presented.

Respectfully submitted,

ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 11, 1986

President Benavides and
Members of Lansing City Council

Dear Councilmembers:

Attached herewith is report on application for resort from Knapp's Centre Corp. for a new 12 month resort Class C License with Dance and Entertainment Permits to be located at 300 S. Washington Ave. This report has been signed by all necessary departments.

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services.

December 11, 1986

President Benavides and
Members of Lansing City Council

Dear Councilmembers:

Attached herewith is a application for Public Driver License for Hussain Satwat that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Satwat have a Public Driver License under Section 33-28 (b) (3) (d).

Sincerely,

RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services and the City Attorney.

PROCLAMATION

Whereas: Traffic crashes play a substantial role in serious injuries causing most of the new cases of epilepsy and paraplegia in the United States each year; and

Whereas: Between 45 and 55 percent of fatally injured drivers have alcohol concentrations in their blood above the legal limit, and this figure rises to 55-65 percent in single-vehicle crashes; and

Whereas: the total societal cost of drunk driving has been estimated to be as high as \$25 billion a year, which does not include the human suffering that can never be measured; and

Whereas: There has been a groundswell of national and local activity aimed at these problems through citizens' groups, task forces, and the Presidential Commission on Drunk Driving; and

Whereas: The Christmas and New Year's holiday period is a particularly appropriate time to focus national attention on this critical problem, because more drivers are on the roads, more social functions are attended and more traffic collisions occur.

Now, Therefore, I, Terry J. McKane, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim the week of December 14-20, 1986, as:

"NATIONAL DRUNK & DRUGGED DRIVING AWARENESS WEEK"

and urge all citizens to join with me in focusing our attention on safe and responsible driving at all times.

Given under my hand and the Seal of the City of Lansing this fifth day of December in the year of Our Lord one thousand nine hundred and eighty-six.

TERRY J. MCKANE
Mayor

Received and placed on file.

December 11, 1986

President Benavides and
Members of Lansing City Council

Dear President Benavides and Councilmembers:

Attached for your information and action is a request from the Old-Timer's Baseball Association that the City waive both the rental and parking fees for the Civic Center for their 27th annual family night on January 12, 1987.

It is my recommendation that we grant this request and pay \$900 for the use of the Civic Center and \$325 for parking. However, I would further request that in view of the fact that the Civic Center and Exhibition Hall are under the management of Ms. Huguely and no longer that of the City, that we work with Ms. Huguely to develop some definite rules, regulations and guidelines for such requests.

My staff will be happy to work with you on such an endeavor, if requested.

Thank you for your consideration and cooperation.

Sincerely,

TERRY J. McKANE
Mayor

By COUNCILMEMBER ADADO—

That we go on record as concurring in the recommendation of the Mayor and this be referred to the Committee on Ways and Means.

Carried.

December 11, 1986

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Interim Report on the City's Financial
Position Covering the Quarter Ending September
30, 1986.

The attached correspondence is submitted for your information.

Referred to the Committee on Ways and Means.

December 11, 1986

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Sale of Vacant Lot—1204 Regent Street
(NDA #2)

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

December 10, 1986

President Benavides and
Members of Lansing City Council

Dear President Benavides and Councilmembers:

As you may know, the Legislature passed a Clean Indoor Air Act that has been signed by Governor Blanchard and will take effect on January 1, 1987.

Many of the Act's provisions (as they apply to City buildings) were included in the resolution you passed on April 14, 1986. However, the Act is stronger in some respects than our resolution. For example, it requires us to post signs at City Building entrances. These signs must state: "Smoking is prohibited except in designated smoking areas pursuant to Part 126 of the Public Health Code, P.A. 368 of 1978."

I have directed Administrative Services Director, David Purvis, to bring City buildings into compliance with the new Act. He will be assisted by Personnel Director, Karen Jackson, and other appropriate staff.

Staff are available to discuss the Act and our responses to it at your appropriate committee meeting(s).

Sincerely,

TERRY J. McKANE
Mayor

Referred to the Committee on General Services.

December 5, 1986

President Benavides and
Members of Lansing City Council

Dear President Benavides
and Members of Lansing City Council

As Mr. Dowsett's attached letter indicates, City Assessor Galvin is taking longer than anticipated to build his new Lansing home.

Given all the facts of his situation as explained in Mr. Dowsett's letter, I recommend that you grant Mr. Galvin a six month extension on his residency requirement.

Thank you for your consideration.

Sincerely,

TERRY J. McKANE
Mayor

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Mayor and the City Assessor be granted a six month extension of residency requirements.

Carried.

December 10, 1986

TO: Council President Tony Benavides and
City Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

By COUNCILMEMBER ADADO—

I move that this resolution be placed under Reports of City Officers and Boards and referred to the Committee on Public Safety and Properties.

Carried.

Whereas: in September, 1985 a Lansing Planning Board Public Act 285 Review recommended sale of the Civic Center to the State of Michigan; and

Whereas: a 1986 City/State Task Force has recommended sale of the Civic Center to the state as a priority action; and

Whereas: sale of the Civic Center would reduce certain subsidy costs to the City and would provide funds for other City purposes;

Whereas: the Lansing Center, Breslin Arena, Dart Auditorium, and other new facilities will provide excellent space for community and other events formerly held in the Civic Center; and

Whereas: the Civic Center is ideally located and well constructed for state government use;

Now, Therefore, Be It Resolved that the Lansing City Council goes on record as desiring to sell the Civic Center to the State of Michigan provided that:

(1) suitable space arrangements can be maintained at the Civic Center or negotiated elsewhere for existing tenants; and

(2) a fair market value is obtained for the building; and

(3) all applicable City Charter, City Ordinances and state laws are complied with; and

Be It Further Resolved that the Mayor and his staff are directed to undertake negotiations for sale of the Civic Center to the state within the two conditions set forth above; and

Be It Further Resolved that Governor James J. Blanchard, Legislators, and members of their staff are again thanked for their leadership in making Lansing a better Capital City.

Referred to the Committee on Public Safety and Properties.

RESOLUTIONS

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0563

Resolved by the City Council of the City of Lansing:

Whereas: the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1129 Linwood legally described as:

1129 Linwood, 3301-08-405-091, E 68 2/7 ft of the South 32 ft of Lots 19 & 20 Ada's, Subdivision

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on October 2, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on December 8, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore Be It Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as; provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0564

Resolved by the City Council of the City of Lansing

Whereas, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department, determined that the building located at 1113 Theodore legally described as:

1113 Theodore
3301-08-406-131
Lot 26, Bungalow Home Addition

Was an unsafe or dangerous building as defined in Section 9A-13 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

Whereas, a hearing was held by the Hearing Board on October 2, 1986, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

Whereas, said Hearing Officers filed a report of their findings and order with the Lansing City Council, and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

Whereas, the City Council scheduled a hearing on December 8, 1986, to review the findings and order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

Now, Therefore Be It Resolved that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution; and

Be It Further Resolved that, should the owner fail to substantially comply with the Hearing Officer's order for demolition or otherwise make safe, the Director of the Department of Building Safety and Development is hereby directed to proceed with demolition of said building; and

Be It Resolved, that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

Be It Finally Resolved that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days: after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

Adopted by the following vote:

Yea: Councilmembers Adado, Belen, Benavides, Lemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0565

Resolved by the City Council of the City of Lansing:

Whereas, Philip Mark Klausing has applied for a City public driver license; and

Whereas, a routine records check by the Lansing Police Department showed that the applicant had two suspensions of his Michigan driver's license within two years of the date of his application, and the Chief of Police has recommended denial of the City license in accordance with Section 33-28 (B)(3)(d) of the City Code; and

Whereas, the City Attorney's office conducted a hearing to determine the facts of the case, found the basis for the Police Chief's recommendation to deny the license to be valid and reported same to the Committee on General Services; and

Whereas, the Committee on General Services has reviewed the transcript of the hearing and found that each suspension of the applicant's Michigan driver's license resulted from failure to pay a fine from a speeding ticket, and that the applicant has prior experience as a taxicab driver in Ann Arbor; and

Whereas, the Committee believes that the facts of the applicant's case do not warrant denial of the license and therefore recommend that the City Council grant approval;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the public driver license application of Philip Mark Klausing.

Adopted by the following vote:

Yea: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0566

Whereas, Melvin Lewis has applied for a City public driver license; and

Whereas, a routine records check by the Lansing Police Department showed that the applicant had a revocation of his Michigan driver's license within two years of the date of his application, and the Chief of Police has recommended denial of the City license in accordance with Section 33-28 (B)(3)(d) of the City Code; and

Whereas, the City Attorney's office conducted a hearing to determine the facts of the case, found the basis for the Police Chief's recommendation to deny the license to be valid and reported same to the Committee on General Services; and

Whereas, the Committee on General Services has reviewed the transcript of the hearing and found that the applicant did not appear at the hearing to dispute the fact of his revocation or the recommendation to deny the license; and

Whereas, the Committee concurs with the Police Chief's recommendation;

Now, Therefore, Be It Resolved the Lansing City Council hereby denies the application of Melvin Lewis for licensing as a public driver in accordance with Section 33-29 of the City Code; and

Be It Further Resolved upon adoption of this resolution the City Clerk shall notify the applicant of the Council's findings and conclusion.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0567

Resolved by the City Council of the City of Lansing:

Whereas, Cheryl Lynn Adams has applied for a City public driver license; and

Whereas, a routine records check by the Lansing Police Department showed that the applicant had a suspension of her Michigan driver's license within two years of the date of her application, and the Chief of Police has recommended denial of the City license in accordance with Section 33-28 (B)(3)(d) of the City Code; and

Whereas, the City Attorney's office conducted a hearing to determine the facts of the case, found the basis for the Police Chief's recommendation to deny the license to be valid and reported same to the Committee on General Services; and

Whereas, the Committee on General Services has reviewed the transcript of the hearing and found that the applicant did not appear at the hearing to dispute the fact of her suspension or the recommendation to deny the license; and

Whereas, the Committee concurs with the Police Chief's recommendation;

Now, Therefore, Be It Resolved the Lansing City Council hereby denies the application of Cheryl Lynn Adams for licensing as a public driver in accordance with Section 33-29 of the City Code; and

Be It Further Resolved upon adoption of this resolution the City Clerk shall notify the applicant of the Council's findings and conclusion.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0568

Resolved by the City Council of the City of Lansing:

Whereas, Bryan Sturdivant has applied for a City public driver license; and

Whereas, a routine records check by the Lansing Police Department showed that the applicant had been convicted of a felony within five years of the date of his application, and the Chief of Police has recommended denial of the City license in accordance with Section 33-28 (B)(6) of the City Code; and

Whereas, the City Attorney's office conducted a hearing to determine the facts of the case, found the basis for the Police Chief's recommendation to deny the license to be valid and reported same to the Committee on General Services; and

Whereas, the Committee on General Services has reviewed the transcript of the hearing and found that the applicant did not appear at the hearing to dispute the fact of his felony conviction or the recommendation to deny the license; and

Whereas, the Committee concurs with the Police Chief's recommendation;

Now, Therefore, Be It Resolved, the Lansing City Council hereby denies the application of Bryan Sturdivant for licensing as a public driver in accordance with Section 33-29 of the City Code; and

Be It Further Resolved upon adoption of this resolution the City Clerk shall notify the applicant of the Council's findings and conclusion.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0569

Resolved by the City Council of the City of Lansing:

That the request from Knapp's Centre Corporation for a new 12 month Resort Class C license with Dance and Entertainment Permits, to be located at 300 South Washington Avenue, Lansing, is hereby approved.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COUNCILMEMBER ADADO—

RESOLUTION #0570

Act-46-86

Beech, Monroe, Brook Streets
Donation to City

Whereas the applicant, Vern L. Williams, has offered to donate three (3) parcels of vacant land to the City of Lansing as a charitable donation. These parcels are on Brook, Monroe and Beech Streets respectively and are more particularly described as:

Parcel #1: 3301-09-352-231

West ½ of Lot 5, Block 2, Moore's Subdivision on Block 27, City of Lansing, Ingham County, Michigan.

Parcel #2: 3301-09-477-101

Lot 18, Assessor's Plat #29, City of Lansing, Ingham County, Michigan

Parcel #3: 3301-21-278-080

South 40 feet of the north 52 feet of the west 8 rods, Lot 5, Block 221, Original Plat, City of Lansing, Ingham County, Michigan;

and Whereas the Planning Board has reviewed the request and has found that a public purpose can be served by accepting parcels 1 and 2, and dividing them among adjacent property owners to create larger lots. The Planning Board, therefore, recommended that Parcels 1 and 2 be accepted and Parcel 3 be rejected; and

Now, Therefore, Be It Resolved that the City of Lansing accept the charitable donation of Parcels 1 and 2 by Mr. V.L. Williams, subject to prior verification by adjacent property owners of their willingness to accept additional land; and

Be It Further Resolved that the Development Division be directed to prepare and execute the necessary documents for verification from the adjacent property owners and instruments to transfer ownership from the present owner to the City and subsequently to the adjacent property owners.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COUNCILMEMBER ADADO—

RESOLUTION #0571

ACT-57-86

Vacation of a portion of Sawyer Road

Whereas the development of Edgewood Boulevard has rendered this portion of Sawyer Road unnecessary as public right-of-way and more particularly described

That part of Sawyer Road (formerly known as Edgewood Road) in the plat of "Supervisor's Plat

of Elmwood Farms" described as; commencing at the southwest corner of Lot 24 of said plat; thence south 33 feet to the east/west ¼ line of Section 9, T3N, R2W, City of Lansing, Ingham County, Michigan; thence east to the center post of said Section; thence north 33 feet to the southeast corner of said Lot 24; thence west to the point of beginning;

and

Whereas, the Planning Board has reviewed the situation and recommended vacation without easement reservations; and

Now, Therefore, Be It Resolved that the City of Lansing vacate the above described section of Sawyer Road east of Rosedale Road without easement reservation; and

Be It Further Resolved that the Development Division be directed to develop the appropriate document to consummate this vacation.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0572

Resolved by the City Council of the City of Lansing:

Whereas, the Mayor has recommended release of \$46,647.00 in financial security held by the city to ensure completion of required public improvements for Trapper's Cove Subdivision #3; and

Whereas, the Committee on Ways and Means has reviewed and concurred with the Mayor's recommendation;

Now, Therefore, Be It Resolved the Lansing City Council hereby approves the release of financial security in the amount of \$46,647.00 for Trapper's Cove Subdivision #3.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2.)

By COMMITTEE ON PHYSICAL
DEVELOPMENT—

RESOLUTION #0573

FCF-7-86

215 Graham

Whereas, pursuant to Act 28, Public Act of 1977 of

the State of Michigan, the Michigan Department of Social Services has notified the City of Lansing of its intent to license an adult foster care family home to provide shelter and care for a maximum of two (2) foster adults upon the premises commonly known as 215 East Graham Avenue, more particularly described as:

Lot 2, Linwood Village Subdivision, City of Lansing, Ingham County, Michigan; and;

Whereas upon review of the application notice, the Department of Planning and Municipal Development found that;

1. There are no other similar licensed facilities, existing or proposed, within 1500 feet of this proposed facility;

2. Alterations and repairs are necessary to bring the home up to minimum building and fire codes; and

Whereas the Physical Development Committee of the Lansing City Council, to whom the report of the Department of Planning and Municipal Development was referred, has reviewed the report and recommends the issuance of a license subject to the following:

A. Certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed;

Now, Therefore, Be It Resolved that the Council of the City of Lansing hereby recommends the issuance of an adult foster care family home license for the above described premises subject to certification by the Department of Planning and Municipal Development and the Fire Prevention Bureau that all Code required repairs and alterations have been completed; and

Be It Further Resolved that the City of Lansing return the application notice to the Michigan Department of Social Services indicating that this proposed facility is located more than 1500 feet from another similar facility, existing or proposed; and

Be It Finally Resolved that a copy of this Resolution and copies of the Safety Inspection Report of the Department of Planning and Municipal Development be attached to the notice and returned therewith.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON PHYSICAL DEVELOPMENT—

RESOLUTION #0574

Whereas, the City of Lansing was approached to express a commitment to the rehabilitation of an area directly east of the existing Capitol Commons Area; and

Whereas, it was determined that the best expression of that commitment would be to expand the boundaries of the Capitol Commons Development Area as organized under ACT 344 of the Public Acts of 1945 as amended, to include the area generally bounded by Walnut, Kalamazoo, Pine and St. Joseph Street and more particularly described in Section 140 as amended and;

Whereas, the expanded Development Area boundaries and citizen district council organization have been adopted by City Council in accordance with Act 344 of the Public Acts of 1945 as amended;

Now Therefore Be It Resolved that the City Council hereby avows its intent to declare the above mentioned area between Walnut, Kalamazoo, Pine and St. Joseph Streets as a Blighted Area.

Adopted by the following vote:

Yeas: Councilmembers Adadok Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE OF THE WHOLE—

Resolution #0575

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing and the I.A.F.F. Local 421 have collectively negotiated to reach a labor agreement for the period of July 1, 1986 through June 30, 1988, and

Whereas; the City Council has reviewed the proposed agreement, and

Whereas, the Mayor has recommended approval of the proposed agreement as acceptable and preferable to lengthy 312 arbitration,

Now, Therefore, Be It Resolved that the City Council hereby ratified the proposed agreement, and

Be It Further Resolved that the Council hereby authorized the Budget Office to administratively transfer for the wages and benefits per the agreement from the General Fund Fringe Benefit account to the appropriate salary and fringe benefit accounts.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0576

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$5,025.00 from Estimated Revenues

A/C 101-000-000160

\$5,025.00 to Parks & Rec. Admin. Div.-Admin.

A/C 101-692-000-956

(Payment from Gannett Foundation for 1986 rental of Civic Center for Youth Talent Fair. Rental costs were originally covered by the State Journal, which will be reimbursed as a result of this contribution.)

\$1,175.00 from Estimated Revenues

A/C 101-000-000-160

\$1,175.00 to Parks & Rec. Park Div. Golf—

A/C 101-721-000-940

(Increase in number of golf carts rented from present 36 to 40 carts, to better respond to customer demands and to increase profits from rental activity.)

\$500.00 from Planning & Mun. Dev. Building Division-Salaries and Lingevity

A/C 101-860-380-702

\$500.00 to Planning & Municipal Dev.-Bldg.

Division-Transportation

A/C 101-860-380-800

To pay transportation expense/mileage for contract Mechanical Inspector)

\$33,939.12 from Estimated Revenues

A/C 101-000-000-160

\$33,939.12 to Capital Projects Potter Park Complex

A/C 101-936-204-971

(Council resolution to earmark net proceeds of the \$1 vehicle fee at Potter Park for Potter development. This transfer represents proceeds from July 1, 1986 through December 4, 1986.)

\$26,700.00 from Gen. Fund Reserve for Contingency

A/C 101-941-000-963

\$26,700.00 to C.I.P. Diamond Reo Soil Tests

A/C 101-936-714-938

(To conduct soil tests required by DNR to determine location & extent of gasoline and industrial solvents discovered in recent soil boring.)

\$10,000.00 from General Fund Reserve for Contingency

A/C 101-941-000-963

\$10,000.00 to C.I.P. Prigooris Park Marketing

A/C 101-936-715-971

(Funding for outside appraisal and consulting services to determine the "highest and best use" for property which voters authorized to be sold. The amount to be reimbursed from proceeds upon sale, with the balance appropriated for Park acquisition and development per current policy.)

Balance in the Reserve for Contingency Fund after these transfers is \$520,702.00

Recommended by:

JAN LAZAR,
Budget Director

I hereby certify that this is a properly drawn and eligible transfer.

JAMES W. DOWSETT,
Finance Director.

APPROVED:

PAT LINDEMANN

SIDNEY WORTHINGTON

Committee on Ways and Means

Adopted by the following vote:

Yeas: Councilmembers Adado, Adado, Belen, Benavides, Lindemann, Schmidt, and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing, Michigan providing that the code of ordinances be amended by revising section number 17-25 of Chapter 17 for the purpose of revising license and bond requirements for Health, Massage, Bath or similar establishments was introduced by Councilmember Worthington, read a first and second time by its title and referred to the Committee on General Services.

By COUNCILMEMBER WORTHINGTON—

RESOLUTION #0577

Resolved by the City Council of the City of Lansing:

That a public hearing be set for Monday, December 22, 1986 at 7:00 P.M. in the 10th Floor Chambers of City Council for the purpose of opposing and or approving the ordinance amending Chapter 17 by revising section numbered 17-25 for the purpose of revising license and bond requirements for Health, Massage, Bath or similar establishments.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Absent: Councilmembers Belen and Creamer—(2).

ORDINANCES

By COUNCILMEMBER BELEN—

The Committee reported that it had considered an ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by revising sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Area and recommended that the ordinance be passed.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That the ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Area be placed on order of immediate passage;

By COUNCILMEMBER BELEN—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That the ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Area be now passed.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt, and Worthington—(6).

Nays: None.

Absent: Councilmembers Blair and Creamer—(2).

ORDINANCE NO. 738

An Ordinance of the City of Lansing, Michigan revising Sections 36-140 to 36-144 to provide for the expansion of the Capitol Commons Area

Section 1. That Sections 36-140-144 be revised to provide as follows:

ARTICLE XV. CAPITOL COMMONS EXPANDED NEIGHBORHOOD DISTRICT AREA; CITIZENS' DISTRICT COUNCIL

Sec. 36-140. Capitol Commons EXPANDED Neighborhood District Area—Created.

Pursuant to 1945 P.A. 344 as amended by 1968 P.A. 189 and 1969 P.A. 173, Capitol Commons Neighborhood District Area shall be EXPANDED, the boundaries of which are designated in Section 36-141.

Sec. 36-141. Same—Boundaries Designated.

The boundaries of Capitol Commons EXPANDED District Area shall be as follows:

Part I. Commencing at the intersection of the center line of St. Joseph and Butler Streets, thence north along the center line of Butler Street 1,313.4 feet to the center line of Kalamazoo Street, thence west along the center line of Kalamazoo Street approximately 701.25 feet to the center line of Logan Street, thence south along the center line of Logan Street 1,313.4 feet to the center line of St. Joseph, thence easterly along the center line of St. Joseph Street to the point of beginning, City of Lansing, Ingham County, Michigan.

Part II. Commencing at the intersection of the center lines of Kalamazoo Street and Pine Street, thence northerly along the center line of Pine Street 478.5 feet to the center line of Washtenaw Street, thence westerly along the center line of Washtenaw Street 1,234.4 feet to the center line of Butler Street, thence south 478.5 feet along the center line of Butler

Street to the center line of Kalamazoo Street, thence easterly along the center line of Kalamazoo Street 1,233.3 feet to the point of beginning, City of Lansing, Ingham County, Michigan.

PART III. BLOCKS 10 AND 11, BUSH, BUTLER AND SPARROW'S SUBDIVISION. COMMENCING AT THE INTERSECTION OF THE CENTER OF KALAMAZOO STREET AND BUTLER BOULEVARD, THENCE NORTHERLY ALONG THE CENTER LINE OF BUTLER BOULEVARD 957 FEET TO THE CENTER LINE OF ALLEGAN STREET, THENCE WESTERLY ALONG THE CENTER LINE OF ALLEGAN STREET 701.25 FEET TO THE CENTER LINE OF LOGAN STREET, THENCE SOUTHERLY ALONG THE CENTER LINE OF LOGAN STREET 957 FEET TO THE CENTER LINE OF KALAMAZOO STREET, THENCE EASTERLY ALONG THE CENTER LINE OF KALAMAZOO STREET 701.25 FEET TO THE POINT OF BEGINNING, CITY OF LANSING, T4N, R2W, INGHAM COUNTY, MICHIGAN.

Sec. 36-142. Capitol Commons EXPANDED Neighborhood Development Area—Created.

Pursuant to 1945 P.A. 344, as amended by 1968 P.A. 198 and 1969 P.A. 173, Capitol Commons Development Area shall be EXPANDED, the boundaries of which are designated in Section 36-143.

Sec. 36-143. Same—Boundaries Designated.

The Capitol Commons boundaries of EXPANDED Neighborhood Development Area shall be as follows:

Part I. Commencing at a point 41.15 feet south and 41.25 feet east of the southeast corner of CAPITOL COMMONS URBAN RENEWAL PLAT No. 1, Town of Michigan Subdivision, thence north along the center line of Pine Street 1,313.4 feet to the center line of Kalamazoo Street, thence west 1,233.32 feet to the center line of Butler Boulevard, thence south 1,313.4 feet to the center line of St. Joseph Street, thence easterly 1,227.6 feet to the point of beginning, City of Lansing, Ingham County, Michigan.

PART II. BLOCKS 139, 140, 145, 146, 161 AND 162 ORIGINAL PLAT OF THE TOWN OF MICHIGAN, NOW CITY OF LANSING; COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF PINE STREET AND KALAMAZOO STREET, THENCE EASTERLY ALONG THE CENTER LINE OF KALAMAZOO STREET 825 FEET TO THE CENTER LINE OF WALNUT STREET THENCE SOUTHERLY ALONG THE CENTER LINE OF WALNUT STREET 1,313.4 FEET TO THE CENTER LINE OF ST. JOSEPH STREET, THENCE WESTERLY ALONG THE CENTER LINE OF ST. JOSEPH STREET 825 FEET TO THE CENTER LINE OF PINE STREET, THENCE NORTHERLY ALONG THE CENTER LINE OF PINE STREET 1,313.4 FEET TO THE POINT OF BEGINNING, CITY OF LANSING, T4N, R2W, INGHAM COUNTY, MICHIGAN.

Sec. 36-144. Capitol Commons EXPANDED Neighborhood District Area Citizens' District Council—Created, appointment of members, powers and duties.

There shall be created a citizens district council for Capitol Commons EXPANDED Neighborhood District Area pursuant to 1945 P.A. 344, as amended. The citizens district council shall consist of fifteen (15) appointed members, eight (8) shall be RESIDENTS appointed from the development area; seven (7) shall be appointed from the balance of the district area. The members of the citizens district council shall be appointed by mayor of the City of Lansing in a manner that insures that the citizens district council is, to the maximum extent possible, representative of the residents of the area and of other person with a demonstrable and substantial interest in the area. The term of office for each representative on the citizens district council shall be for three (3) years.

The rights, duties and functions of the citizens district council shall be the same as set forth in 1968 P.A. 189 and 1969 P.A. 173 including other amendments to this act as they may affect those rights, duties and functions.

All vacancies in membership occurring on the citizens district council through resignation or expiration of term of office shall be filled by appointment by the mayor in accordance with the same procedure used for the initial appointments.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

By COUNCILMEMBER BELEN—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the following resolution regarding the Grandview Plaza Project.

Carried.

**RESOLUTION CONFIRMING APPROVAL OF
PROJECT AREA, ESTABLISHMENT OF
PROJECT DISTRICT AREA AND
OTHER MATTERS
(Grandview Plaza Project)**

RESOLUTION #0578

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held at 7:00 o'clock p.m., Michigan Time, on December 15, 1986, at which the following members were present:

Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

And the following were absent: Councilmember Blair and Creamer—(2).

The following preamble and resolution were offered by Belen and supported by Adado:

Whereas, this City Council has previously adopted certain resolutions in connection with The Economic

Development Corporation of the City of Lansing's Grandview Plaza Project; and

Whereas, this City Council has previously approved the Project Plan, as amended in connection with the Grandview Plaza Project; and

Whereas, the Issuer has requested this City Council to reconfirm and designate the Project Area and Project District Area with respect to the Grandview Plaza Project.

Now, Therefore, Be It Resolved by this City Council of the City of Lansing, as follows:

1. The property described on attached Exhibit A as the Project Area, as designated by the Issuer, is hereby certified and reconfirmed as approved.

2. The Project Area is already zoned for the intended use and no other territory is expected to be significantly adversely affected. Accordingly, the property described on attached Exhibit A is hereby designated as the Project District Area.

3. Pursuant to Section 20(b) and (e) of the Act, a Project Citizens District Council is not required for the Project and therefore, such council shall not be formed.

4. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

Yeas: Councilmembers Adado, Belen, Benavides, Lindemann, Schmidt and Worthington—(6).

Nays: None.

Abstentions: None.

Resolution declared adopted.

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, Michigan, held on the 15th day of December, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA BAUMAN,
Lansing City Clerk.

**EXHIBIT A
PROJECT AREA**

Land located in the City of Lansing, County of Ingham, State of Michigan, legally described as Lot 1, Lot 2 and the north 44 feet of Lot 3, Block 112, Original Plat, City of Lansing.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That Councilmembers Blair and Creamer be excused from the session.

Carried.

REMARKS BY THE MAYOR

Mayor McKane wished everyone a Happy Holiday Season.

REMARKS BY COUNCIL MEMBERS

Councilmember Belen questioned printing costs for Ordinances.

Councilmember Adado inquired about financing for the Embassy Suite Hotel Project.

Councilmember Benavides remarked that this was

Jeff Parker's last night on the camera for Council meetings. Jeff is a student from Michigan State University and has worked for 12 weeks of Council.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried.

Council adjourned at 8:25 P.M.

RITA M. BAUMAN,
City Clerk.

December 15, 1986
Lansing, Michigan

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING

Proceedings, December 22, 1986

CITY COUNCIL ROOMS

Lansing, Michigan

December 22, 1986

The City Council of the City of Lansing, Michigan, met in regular session and was called to order by President Benavides.

Present: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(8).

Absent: Councilmember Blair—(1).

The Clerk announced that a quorum of the Council was present.

Invocation was given by Councilmember Creamer.

Pledge of Allegiance was led by Webelos Scouts—Pack 495 of Kendon School.

PUBLIC HEARING

December 22, 1986 at 7:00 o'clock p.m. in the City Council Chambers, 10th Floor, City Hall, being the time and place set as the time for holding a public hearing on the proposed ordinance to amend Chapter 17 of the Code of Ordinances by revising section 17-25 for the purpose of revising license and bond requirements for Health, Massage, Bath or similar establishments.

The Council President announced that if there is anyone present who has any suggestions or objections to make to the proposed ordinance they will have the privilege of speaking at this time.

No persons spoke.

Referred to the Committee on General Services.

THE PUBLIC MAY NOW ADDRESS THE CITY COUNCIL ON ANY OF THE FOLLOWING ITEMS LISTED ON THE AGENDA: COMMUNICATIONS AND PETITIONS, COMMITTEE REPORTS, REPORTS OF CITY OFFICERS AND BOARDS AND RESOLUTIONS. YOU MAY SPEAK ONLY FOR 3 MINUTES ON ANY ONE ITEM.

Donna Graves, 1623 South Genesee Drive, spoke on Mayor's letter 3f.

Marjorie Dyer spoke regarding Mayor's letter 3f.

Charles Staelens, 4101 Christiansen, Northern Home Improvement Co., spoke on Resolution #6a (regarding peddlers.)

Jane Dudley, 1900 Rockway, spoke regarding Mayor's letter 3f.

Ronald Bowers, 1228 Pierce Road spoke regarding Resolution #6a.

COMMUNICATIONS AND PETITIONS

The following applications and bonds have been filed for licenses:

Public Drivers—Michael E. Adams, David J. Vick

Pool Hall License—Hall of Fame Billiards.

Referred to the Committee on General Services.

Claim filed by Walter Hapkiewicz, East Lansing, submits letter for removal of special assessment for property at 613 W. Lapeer Street.

Referred to the City Attorney.

Petitions filed for rezonings:

Z-36-86—325 N. Chestnut Street, described as:

Lot 2, Block 87, original Plat, City of Lansing, Ingham County, Michigan, to be rezoned from "DM-3" Residential District to "D-1" Professional Office District filed by Attorney Chris A. Bergstrom.

Z-37-86—1322 W. Michigan Avenue, described as:

the east ½ of Lot 7, Block 4, J.M. French's subdivision, City of Lansing, Ingham County, Michigan, to be rezoned from "B" Residential District to "C" Residential District filed by Roberto Reyes.

Z-38-86—3325 & 3345 Bardaville Drive, described as:

the North 16 feet of Lot 5, Lots 6 and 7 of Bardaville Plaza, a subdivision of a part of the NW ¼ section of Section 6, T4N, R2W, City of Lansing, Ingham County, Michigan, to be rezoned from "F" Commercial District and "J" Parking District to "DM-4" Residential District filed by Syndex Investments of Lansing Ltd. Partnership.

Referred to the Mayor and Planning Board.

Stephens-Kyes & Associates, Inc. submits preliminary plat of Coulson Woods for final approval.

Referred to the Mayor and Planning Board.

Petitions filed by residents on Center Street requesting the City Council to rezone their properties.

Referred to the Mayor and Planning Board.

Richard L. Prangley submits letter regarding the conditions of properties located at Lenawee and Chestnut Street area.

Referred to the Mayor.

Capitol City Chapter No. 8, Disabled American Veterans, request Room #1, Veterans Section, Lansing Civic Center, be made available for their Chapter meetings.

Referred to the Mayor.

Michigan Municipal League announces the National League of Cities Congressional-City Conference to be held in Washington, D.C. on February 28-March 3, 1987.

Referred to the Mayor and the Committee of the Whole.

Dianne M. Richter, President of Society of Real Estate Appraisers Lansing Chapter 43, submits letters regarding the proposed changes in phone system of the City Assessor's office.

Referred to the Mayor.

Michigan Floodplain Control Unit submits copy of letter to Gary Scarlett regarding proposed construction of a residence and placement of fill east of Ruth Street.

Referred to the Mayor.

MAYOR'S COMMENTS ON AGENDA ITEMS

Mayor McKane spoke regarding his letters 3a1 (Ellen Moore, Appointment to Board of Review); 3a2 (Appointment of Richard Kibbey to Public Service Board); 3a3 (George Long to Human Resources Board); 3b (Appointment of Cleophus Boyd, Executive Assistant, as the Chief Negotiator for negotiations with LIEU); 3c1 (resignation of Michael Mitchell from Parks & Recreation Board); 3c2 (Resignation of Patricia Long from Housing and Redevelopment Board); 3d (Fire Code Enforcement Authority Appearance Tickets, Uniform Traffic Citations and Parking Violation Notice); and 3f (Tax Increment Finance Plan and Development Plan for proposed Michigan Square Development).

REPORT OF COMMITTEE

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following applications and bonds:

Public Drivers—Michael E. Adams, David J. Vick.

Pool Room License—Hall of Fame Billiards.

Vehicles for Hire—Adams Shuttle Service.

reports as follows: That said application be denied.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER WORTHINGTON—

That the report of the Committee be adopted.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavies, Creamer, Lindemann, Schmidt and Worthington—(7).

Nays—None.

Absent—Councilmember Blair—(1).

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following Ordinance

Adding a new Chapter 22 containing sections numbered 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinance provisions pertaining to OFFENSES.

reports as follows: That said Ordinance be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER LINDEMANN—

That we pull 1C5 and section 22-26 of 1b and send back to committee.

Discussion was held.

By COUNCILMEMBER LINDEMANN—

That I withdraw my first motion and 1b and 1c (1 thru 7) be read, received and placed on file.

Adopted by the following vote:

Yeas—Councilmembers Adado, Belen, Benavies, Creamer, Lindemann, Schmidt and Worthington—(7).

Nays—None.

Absent—Councilmember Blair—(1).

The COMMITTEE ON GENERAL SERVICES—

To whom was referred the following Ordinances:

Repeal of Ordinances for the purpose of updating and revising the Ordinance pertaining to Offenses:

1. Repeal of Section 16-2 of Chapter 16.
2. Repeal of Chapter 21 containing Sections numbered 21-1 through 21-24, inclusive.
3. Repeal of Sections numbered 22-1 through 22-85, inclusive, of Chapter 22.
4. Repeal of Chapter 23 containing Sections numbered 23-1 through 23-32, inclusive.
5. Repeal of Chapter 24 containing sections numbered 24-1 through 24-68, inclusive.
6. Repeal of Chapter 26A containing sections numbered 26A-1 through 26A-16, inclusive.
7. Repeal of Sections 4-6 and 4-10 of Chapter 4.

reports as follows: That said Ordinances be approved.

Signed:

SIDNEY P. WORTHINGTON
LOUIS F. ADADO
Committee on General Services

By COUNCILMEMBER LINDEMANN—

This be received and placed on file.

Carried.

REPORTS OF CITY OFFICERS AND BOARDS

By COUNCILMEMBER SCHMIDT—

That Items 1a, b, c, and d be considered read and concur with the City Attorney.

Discussion was held on Item 1b (Claim of John and Jacqueline Lockhart.)

Item 1b was pulled for further information.

December 17, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Vernon Hill

Dear President Benavides
and Members of Lansing City Council

A claim was filed on September 22, 1986 by Vernon Hill, 2607 Dunlap Street for vehicle damage in the amount of \$147.38. Claimant states that on July 5, 1986, he hit a large pothole after turning onto Case Street from Grand River Avenue. No precaution signs alerted claimant as to the pothole's presence. Claimant had to replace his gas tank and tail pipe following the incident, at the lowest of three estimates obtained,

\$147.38. Claimant's deductible level on his insurance policy is \$100.00

Investigation by the Public Service Department indicated no prior complaint had been received regarding the existence of a pothole at that location. However, once the Public Service Department became aware of the existence of the pothole, Public Service reports a crew went out and repaired it.

A municipality is statutorily immune from liability for damages caused by defective roads unless it had or should have had knowledge of the defect and had a reasonable time to repair it. MCLA 691.1403.

Based upon the above mentioned law and fact that the Public Service Department had no notice of the defect before July 5, 1986, it is the recommendation of the Public Service Department and this office that the claim be denied.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 18, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Tracy Ostrander

Dear President Benavides
and Members of Lansing City Council:

On November 13, 1986, Tracy Ostrander, 2825 Reo Road, Lansing, filed a claim in the amount of \$80.00. The amount claimed is for reimbursement of a \$35.00 towing fee and \$45.00 for a new radiator that was allegedly damaged when his car was towed. Claimant states that on November 3, 1986 at approximately 11:35 a.m. he had a flat tire. Mr. Ostrander then left the vehicle in the roadway on South Waverly near Starlight with his flashers on and a note stating he would return. Claimant states he was not blocking anyone's drive, that he was only gone for 30 minutes, and that it was wrong for the City to tow his vehicle.

This claim was investigated by the Police Department and it was discovered that the claimant's 1971 Oldsmobile was towed at the request of a police officer. Apparently, a resident of 3301 South Waverly called central dispatch to request removal of a vehicle which was blocking their private driveway and was blocking traffic. Officer Davis was dispatched to the area and observed claimant's vehicle which was blocking a private driveway and creating a traffic hazard by obstructing one lane of traffic on South Waverly. The police officer waited 20 minutes for the owner to return to his vehicle before requesting permission to tow the vehicle from the police sergeant. The police officer wrote a traffic citation and called the towing company. When the claimant returned to find his vehicle towed he contacted a police officer who was in

the area running radar. It turned out to be the same police officer who had towed the claimant's vehicle and he explained the reason for the towing to the claimant.

Members of the Lansing Police Department are authorized to remove a vehicle from a street when it is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic. Lansing Code of Ordinances 31-175 (a)(3). In addition, it is unlawful for a person to stop, stand or park a vehicle in front of a private driveway. Lansing Code of Ordinances 31-58 (a)(2). The claimant denies blocking a private driveway. Whether or not the driveway was blocked, the officer was properly authorized to tow the claimant's vehicle because it created a traffic hazard.

The Michigan Motor Vehicle Code MCL 257.233 *et. seq.*, authorizes cities to regulate the standing or parking of vehicles. An owner may contest the propriety of the removal or of the towing fees by filing a petition in 54-A District Court within 20 days after being notified of the towing. Claimant failed to file such a petition.

Based upon all of the above facts and law, it is the recommendation of the Police Department and this office that the claim be denied.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 17, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of J & A Drain Cleaners

Dear President Benavides
and Members of Lansing City Council:

On September 9, 1986, J & A Drain Cleaners submitted a claim in the amount of \$90.00. Claimant indicates that on March 28, 1986 they were called to clean a sewer line at 1612 South Pennsylvania. Public Service inspectors pulled up a couple of manholes and informed claimant that the problem was in the private line. Claimant states the next day the City reinspected their line and determined that their line was plugged. Claimant indicates that the 2½ hours spent working on the private line should be paid by the City and not the home owner.

Information received from the Public Service Department indicates that an employee of that Department checked the sanitary sewer manholes north and south of 1612 South Pennsylvania on March 28, 1986. The City line was not plugged at that time. The next day the same employee again checked the manholes north and south of that location and again the City line did not appear to be plugged. The employee also discussed the problem with the adjacent

neighbors and no other problems were reported at that time. Public Service records indicate that the sewer line was cleaned even though it wasn't plugged as a courtesy and to reassure the residents of 1612 South Pennsylvania. Subsequent to the cleaning by the Public Service Department, the Public Service Department inspector advises this office that there was no noticeable difference in the flow within the upstream and downstream manholes on the main line.

In addition, Michigan law immunizes municipalities from tort liability where the municipality is engaged in the exercise or discharge of a governmental function. MCLA 691.1407. A governmental function is an activity which is expressly or implicitly mandated or authorized by law. *Ross v Consumers Power Co.*, 420 Mich 567 (1984) (on rehearing). In addition to state law, the Lansing City Charter provides that the City shall have all power granted by law to, *inter alia*, maintain and repair public utilities within its corporate limits.

Based upon the above information it is the recommendation of the Public Service Department and this office that this claim be denied first because the sewer problem at 1612 South Pennsylvania was not caused by any negligence on the part of the City and second, even if there was negligence on the part of the City, on the basis of governmental immunity.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be denied.

Carried.

December 17, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Gloria Boyer

Dear President Benavides
and Members of Lansing City Council:

On November 19, 1986, Gloria Boyer, 307 South Francis, filed a claim against the City in the amount of \$172.50 for sewer cleaning. Claimant states that a new storm sewer was installed in the 300 block of South Francis Street in the Spring of 1986. Since the installation of the new storm sewer, the claimant's drain backed up into her home on two occasions. When a representative of Simons-Evans came to 307 South Francis to clean the drain system, he stated the system appeared to have an obstruction. He speculates that a tile may be out of place.

As a result of Public Service Department's inspection, this matter has been referred to the Contractor which did the work. The Public Service Department has indicated to this office that the Contractor will correct the obstruction and will be responsible for the bill.

Therefore, no further action by City Council is necessary.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That no further action of City Council is necessary since this claim has been referred to the contractor.

Carried.

December 12, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Dennis L. Bytwerk

Dear President Benavides
and Members of Lansing City Council:

On November 17, 1986 City Council received a claim from Dennis L. Bytwerk of Dennis Distributing Company, 1601 South Washington Avenue. Claimant alleges that a City sidewalk snowplow pushed a brick storefront wall away from the building last winter, and that the lowest estimate to replace the wall was \$290.00.

This claim has been referred to the City's insurance carrier for their review. Therefore, City Council need take no action on this claim at this time.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and since this has been referred to the City's insurance carrier, no further action is necessary at this time.

Carried.

President Benavides and
Members of Lansing City Council

Re: Claim of Ronald L. Dewey

Dear President Benavides
and Members of Lansing City Council:

On November 13, 1986, Ronald L. Dewey, 2415 Marion, Lansing, filed a claim in the amount of \$131.79 for damage done to the windshield of his vehicle when it was hit by a 2 to 3 inch stone. Claimant states that he was driving his car in the 1600 block of South Cedar, Lansing, on November 6, 1986 in the second lane of traffic. While driving, a stone dropped onto his windshield, and chipped the windshield. The incident occurred while the claimant was passing a City truck in the curb lane next to him. Claimant stated that he assumes the stone came from the City truck because the tailgate of the truck was down and because the other northbound and southbound traffic was much further away from his vehicle than the City truck. The estimate of damage estimated by the client is \$131.79.

This claim was investigated by the Public Service Department which reported to this office that a Lansing City Truck #655 was in the area of the 1600 block of Cedar on November 6, 1986. The driver of that truck has no knowledge of any stones in his truck. The driver stated that he had just returned from dumping the leaves in his truck. Dumping leaves involves raising the truck bed to a 45° angle allowing all debris to run out. Therefore, the driver believes he had no debris in his truck. The driver also informed this office that truck #655 was equipped with mud flaps on that date, so it is unlikely that a stone was thrown from the tire. However, the driver did indicate that the tailgate to his truck was down at the time he was driving down Cedar Street. The Public Service Director has indicated to this office that the Public Service drivers are not authorized to operate City trucks on the street with the tailgate down.

Therefore, based upon the facts provided by the Public Service Department and the Claimant, it is the recommendation of the Public Service Department and this office that the claim be paid in the amount of \$131.79.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT—

That we concur in the recommendation of the Acting City Attorney and this claim be paid in the amount of \$131.79 and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$131.79 payable to Ronald L. Dewey.

Carried.

December 18, 1986

President Benavides and
Members of Lansing City Council

Re: Claim of Gilbert and Mary L. Elias

Dear President Benavides
and Members of Lansing City Council:

On October 27, 1986, Gilbert and Mary L. Elias filed a claim in the amount of \$747.23 for damage to their property at 3115 West Genesee, Lansing, caused by flooding in the basement. Claimants state that: 1) the flooding occurred on June 5, 1986 and again on June 11, 1986; 2) throughout the flooding the toilet and sink operated properly; 3) 3115 West Genesee did not experience flooding problems prior to construction of a new sanitary sewer in June 1985; 4) the claimants believe the footing drain had been disconnected when the new sewer went in; and 5) the flood problem was corrected by hooking the footing drain to a newly installed drywell.

This claim was investigated by the Public Service Department which reported to this office that a new sewer was installed in an easement behind 3115 West Genesee. The existing sanitary house lead at 3115 West Genesee was connected to the new sewer. Both the property at 3115 West Genesee and the house immediately to the east experienced flooding. Both houses were built by the same builder, Davis M. Con-

struction, Inc. When the City of Lansing, in conjunction with the claimants and the Ingham County Drain Commission, attempted to discover how the footing drain and the house leads were hooked up to the house, the builder was unable to say how it was attached.

The Public Services Department has reported to this office that the cause of the problem is due to either 1) failure to discover the footing drain opening when the new sewer went in or 2) that the footing drain was hooked up improperly. As a result, the Public Service Department recommends payment of this claim after further investigation by the Public Service Department.

Based upon the above mentioned facts, it is the recommendation of the Public Service Department and this office that the claim be paid.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the Acting City Attorney and the City Clerk be and she is hereby directed to draw a warrant on the City Treasurer in the amount of \$747.23 payable to Gilbert and Mary L. Elias.

Carried.

December 18, 1986

President Benavides and Members
of the Lansing City Council

RE: Redemption of Workers Disability Compensation
Matter Entitled Leo D. Savoie v. City of Lansing

Dear President Benavides and
Members of City Council:

Claimant was employed with the Lansing Fire Department for approximately 24 years. During his employment, the City had voluntarily paid some wage loss benefits for lost time and medical benefits for his back injuries incurred while engaged as a firefighter.

Claimant is no longer working and is retired on a regular pension. The only issue remaining is whether the City is responsible for claimant's future medical expenses due to his back injuries. All of the medical evidence indicated that claimant's present physical complaints were probably contributed to by the specific injuries incurred during this employment with the City as a firefighter. According to applicable mortality tables, claimant is expected to live another 24 years. This office and the Safety Division Director, Robert W. Pohl, have assessed that his future medical expenses will probably total \$20,000 based on the likelihood of surgery which will be needed in the future according to the medical testimony.

Through settlement negotiations, claimant by his attorney has indicated that he will accept \$2,500 in full and final settlement of this claim. Therefore, it is the recommendation of this office and Robert W. Pohl, Director, that this matter be settled for the total sum of \$2,500.

Respectfully submitted,
ALVAN P. KNOT
Acting City Attorney

By COUNCILMEMBER SCHMIDT:

That we concur in the recommendation of the Acting City Attorney and this claim be settled in the amount of \$2,500.00.

Carried.

December 19, 1986

Council President Benavides and
Members of the Lansing City Council

Dear Councilmembers:

In accordance with Section 7-107 of the Lansing City Charter, I am forwarding copies of the Executive Transfers that have been placed on file in the City Clerk's office by the Budget Director. (No. 10)

Sincerely,
RITA M. BAUMAN
City Clerk

Referred to the Committee on Ways and Means.

December 19, 1986

President Benavides and Members
of the Lansing City Council

Dear Councilmembers:

Attached herewith is an application for Public Driver License for Alfred Clausen, III that was returned unsigned from the Lansing Police Department. They do not recommend that Mr. Clausen have a Public Driver License under Section 33-28(b)(3)(d).

Sincerely,
RITA M. BAUMAN
City Clerk

Referred to the Committee on General Services.

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and
City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of Ellen Moore to the Board of Review. The term will expire June, 1989.

Ms. Moore has been a long-time Lansing resident and resides at 1620 Osband.

She is an active member of the community and is the President of Landlords of Mid-Michigan. She is Administrative Assistant to the President of Michigan Rental Housing Association.

I trust you will give careful consideration to the appointment of Ellen Moore to this important Board.

Best personal regards,
Sincerely,

Terry J. McKane
Mayor

By Councilmember Belen:

That we concur in the recommendation of the Mayor and approve the appointment of Ellen Moore to the Board of Review.

Carried

December 16, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith subject for your consideration and confirmation the appointment of Richard Kibbey to the Public Service Board. The term will expire June, 1989.

Mr. Kibbey resides at 300 Shepherd St. and is employed with the State of Michigan, Office Services for the Aging.

He is an active member of the community and will provide this Board with an invaluable resource.

I trust you will give careful consideration to the appointment of Mr. Richard Kibbey to the Public Service Board.

Best personal regards,

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and appoint Richard Kibbey to the Public Service Board.

Carried.

December 18, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

I herewith submit for your consideration and confirmation the appointment of George R. Long to the Human Resources Advisory Board. The term will expire June, 1987.

Dr. Long resides at 1516 Berkeley Dr. and is an active member of the community. His expertise will be a valuable resource to this Board.

I trust you will give careful consideration to the appointment of George R. Long to the Human Resources Advisory Board.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and approve the appointment of George R. Long to the Human Resources Advisory Board.

Carried.

December 12, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

Pursuant to section 4-102 of the City Charter, I hereby advise you that I have appointed Cleophus Boyd, Executive Assistant to the Mayor, as the chief labor negotiator on behalf of the City for the purpose of contract negotiations with the Lansing Independent Employees Union. The current labor agreement expires on January 31, 1987.

I respectfully request that you confirm his appointment at your next regularly scheduled Council meeting.

Sincerely,

TERRY J. McKANE,
Mayor.

By COUNCILMEMBER BELEN—

That we concur in the recommendation of the Mayor and appoint Cleophus Boyd as chief labor negotiator for contract negotiations with the Lansing Independent Employees Union.

Carried.

December 15, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Parks and Recreation Board resignation
—Michael Mitchell

The attached correspondence is submitted for your information.

Received and placed on file.

December 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Housing and Redevelopment Board
Resignation—Patricia Long

The attached correspondence is submitted for your information.

Received and placed on file.

December 15, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Fire Code Enforcement Authority
for Appearance Tickets, Uniform Traffic Cita-
tions and Parking Violation Notices

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

Received and placed on file—(Resolution 1b).

December 12, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Trash Assessment U-32 (\$16,755.50)

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

By COUNCILMEMBER CREAMER—

That we concur in the recommendation of the
Mayor and this trash assessment be placed on the U-32
tax roll.

Carried.

December 17, 1986

Council President Tony Benavides and
Lansing City Councilmembers

Dear President Benavides and City Councilmembers:

You have before you, for your consideration, the
Tax Increment Finance Plan and Development Plan
for the proposed Michigan Square Development. As
we have discussed, adoption of these plans will enable
the City to capture new tax revenues generated by the
proposed Embassy Suites Hotel which will be used to
finance the construction of a conference center. Our
efforts to adopt these plans are a major piece of the
public commitment to this proposed development and
I encourage the City Council to adopt these plans as
submitted.

I appreciate the cooperation of the various Council
Committees and Councilmembers who have worked to
bring these plans to you and I am grateful for the
support of the members of our Tax Increment Finance
Authority who have approved these plans and for-
warded them to you for your consideration.

It is my belief that this development is vital for the
continuation of downtown development which we
have all worked so hard to resurrect after years of dor-
mancy. We must continue to do all we can with our

limited resources to encourage and assist the private
sector to invest in our future.

Thank you for your support and cooperation.

Sincerely,
TERRY J. McKANE,
Mayor.

Received and placed on file.

December 17, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: City's Compliance with Federal Flood
Plain Regulations

The attached correspondence is submitted for your
information.

Received and placed on file.

December 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Critical Needs Authorization Update

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

Referred to the Committee on General Services.

December 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-42-86, 807 West Holmes Road

The attached material is submitted with my concur-
rence. I recommend that you carefully review it and
then take suggested action as quickly as reasonably
possible.

Referred to the Committee on Public Safety and
Properties.

December 18, 1986

TO: City Council President Benavides and
Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-51-86, Lot 11, Subdivision of Lot 3
and Part of Lot 4, Block 25, Original Plat

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-54-86, 100 Block E. Michigan Avenue

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: ACT-56-86, 3520 South Waverly Road

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-23-86, Southwest Corner of Pine and Kalamazoo Streets

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-30-86, 2206 West Jolly Road

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-31-86, 2300 Block of East Saginaw at Hayford

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-32-86, 508 Torrance Court

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Z-33-86, 2120 West Jolly Road

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Physical Development.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Notice of Intent Resolution re: Street Improvement Bond Issue

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request: Christopher and Cross Street

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request: Osborn Rd. and Stanley Street

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Stop Sign Request: Perkins and McCullough Streets

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Southgate Traffic Study

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Public Safety and Properties.

December 18, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Franklin Street Presbyterian Church listed in State Register of Historic Places

The attached correspondence is submitted for your information.

Received and placed on file.

December 16, 1986

TO: City Council President Benavides and Councilmembers

FROM: Terry J. McKane, Mayor

SUBJECT: Transfer of Funds

The attached material is submitted with my concurrence. I recommend that you carefully review it and then take suggested action as quickly as reasonably possible.

Referred to the Committee on Ways and Means.

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0579

Resolved by the City Council of the City of Lansing:

Whereas, the Lansing Uniform Fire Code requires that a permit be obtained prior to engaging in the following activities, operations, practices or function: Use of Flammable or Combustible Liquids and keeping of Storage Tanks for such liquids; Use of Liquefied Petroleum Gases and keeping of Containers for such gases; Installation and Maintenance of Fire Suppression Systems; and Installation and Maintenance of Central Station Alarm System; and

Whereas, Section 4.103(B) of the Lansing Uniform Fire Code states that applications for the above-described permits shall be accompanied by a non-refundable fee, which shall be set by resolution of the City Council; and

Whereas, the Committee on General Services has reviewed and recommended approval of a fee structure for said permits based on the City's actual costs of conducting inspections and administering the permit program;

Now, Therefore, Be It Resolved that Lansing City Council hereby approves the following permit fees &

required by Section 4.103(B) of the Lansing Uniform Fire Code, effective immediately:

Flammable or Combustible Liquid Storage Tanks	\$45.00
Liquefied Petroleum Gas Containers	\$45.00
Fire Suppression Systems	\$70.00
Central Station Alarm Installations	\$70.00

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, and Worthington—(7).

Nays: None.

Absent: Councilmember Blair—(1).

By COMMITTEE ON GENERAL SERVICES—

RESOLUTION #0580

Resolved by the City Council of the City of Lansing:

Whereas, Section 31-170 of the Code of the City of Lansing provides that the City Council may by resolution authorize City personnel other than police officers to issue parking violation notices; and

Whereas, Section 10-210(H) of the 1985 Lansing Uniform Fire Code prohibits vehicles from parking within 15 feet of a fire hydrant and within posted fire lanes; and

Whereas, authorizing members of the Fire Prevention Bureau to issue parking violation notices for the parking violations contained within Section 10.210(H) of the 1985 Lansing Uniform Fire Code will result in more efficient enforcement of parking violations under the 1986 Lansing Uniform Fire Code;

Now, Therefore, Be It Resolved that the fire marshal and other members of the Fire Prevention Bureau shall have the power and authority to issue parking violation notices as provided in Section 31-170 of the Code of the City of Lansing for parking violations enumerated in Section 10.210(H) of the 1985 Lansing Uniform Fire Code.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

Nays: None.

Absent: Councilmember Blair—(1).

By COMMITTEE ON PUBLIC SAFETY AND PROPERTIES—

RESOLUTION #0581

Resolved by the City Council of the City of Lansing:

Whereas, residents of the area around the intersection of Spokane and Southgate have petitioned the

City for traffic control to improve safety at this intersection; and

Whereas, the Transportation Division staff conducted a traffic study of the area and learned that two right-angle accidents occurred at the intersection in less than six years; and

Whereas, the Traffic Board had previously recommended that Yield signs be installed on Spokane at Southgate, which was not the course of action favored by residents of the area; and

Whereas, the Committee on Public Properties and Safety has reviewed the report from the Transportation Division staff and heard additional testimony from residents, who described many near-accidents at the intersection that never appeared in the traffic study; and

Whereas, the Committee agreed with the residents and the Second Ward Councilmember that the best action would be to install Stop signs on Southgate at Spokane;

Now, Therefore, Be It Resolved that Lansing City Council hereby approves the installation of Stop signs on Southgate Avenue at Spokane Avenue.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

Nays: None.

Absent: Councilmember Blair—(1).

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0582

PRELIMINARY BOND AUTHORIZING RESOLUTION City of Lansing Counties of Ingham and Eaton, Michigan

Whereas, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "Issuer") intends to authorize the issuance and sale of its Unlimited Tax General Obligation Bonds (the "Bonds") pursuant to Act 279 of the Public Acts of Michigan, 1909 as amended, ("Act 279") for the purpose of defraying the City's share of the cost of resurfacing, widening, extending, improving and repairing existing streets and highways, the repairing and replacing of existing sidewalks, curbs and gutters, improvements and repairs to streets, sidewalks and other walkways which benefit non-motorized vehicles and for the construction of new streets and highways within the City of Lansing, including necessary lands and rights of way, railroad grade separations, sidewalks, curb and gutter and drainage facilities therefor in the City of Lansing; and

Whereas, prior to issuance of Bonds the Issuer must either receive prior approval of the Bonds from the Department of Treasury ("Treasury") of the State of Michigan or be exempt from prior approval as provided in Chapter III, Section 11, of Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and

Whereas, in order to be exempt from prior approval, the Issuer must notify Treasury of the Issuer's intent to issue the Bonds.

Now, Therefore, Be It Resolved that:

1. The City shall borrow an amount not to exceed \$22,000,000 and issue the Bonds pursuant to Act 202.

2. The Bonds shall be delivered with the unqualified legal opinion of Miller, Canfield, Paddock and Stone, bond attorneys of Lansing and Detroit, Michigan, who are designated as Bond counsel with respect to the Bonds.

3. The Mayor, City Clerk, Director of Finance, and all other officers and agents of the City are authorized and directed to negotiate the terms of such certificates, affidavits, documents or instruments as may be required or be convenient to effectuate the execution and delivery of such documents or the Bonds.

4. The Director of Finance is hereby authorized to prepare and distribute on behalf of the City a preliminary official statement and/or an official statement with respect to the marketing, offering and sale of the Bonds.

5. The Director of Finance of the Issuer is hereby authorized to notify Treasury of the Issuer's intent to issue the Bonds described in the preamble to this resolution, to execute the Notice of Intent form required by Treasury, to pay the related fee, to request an order providing an exception for the Bonds from prior approval by Treasury, and to execute and delivery other documents as may be required by Treasury in connection with such order.

6. The Issuer hereby agrees to file with Treasury the documents required by Section 10(1) of Chapter III of Act 202.

7. In the event the State Treasurer of the State of Michigan issues an Order denying an exception from prior approval, the Director of Finance of the Issuer is authorized to submit an application for prior approval to Treasury and to execute and delivery any documents as may be required by Treasury in connection therewith.

8. The Mayor, City Clerk, Director of Finance, and all other officers and agents of the City are authorized to do all things necessary to effect the sale, issuance and delivery of the Bonds in accordance with the provisions of this resolution and to implement the provisions of any agreements with respect to the issuance of the Bonds or the security for the payment of the principal of and interest on the Bonds to which the City is a part including the execution and delivery of all documents, instruments and agreements necessary therefor.

9. All actions taken on behalf of the City by the Director of Finance or other officials of the City with respect to the issuance of the Bonds are ratified.

10. This Resolution shall be effective immediately upon adoption.

11. All resolutions or parts of resolutions in conflict with this Resolution shall be, and the same are, rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on December 22, 1986, at 7:00 o'clock p.m., Michigan Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, Worthington and that the following Members were absent: Councilmember Blair.

I further certify that Member Lindemann moved adoption of said resolution and that Member Schmidt supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt, Worthington and that the following Members voted against adoption of said resolution: None.

RITA M. BAUMAN,
City Clerk.

By COMMITTEE ON WAYS AND MEANS—

RESOLUTION #0583

Resolved by the City Council of the City of Lansing:

Whereas, the Oldtimers Baseball Organization has requested City co-sponsorship of their annual dinner scheduled for Monday, January 12th at the Civic Center, and

Whereas, the Oldtimers Baseball Organization will be celebrating its 27th Anniversary this year, and

Whereas, the City has covered the costs of using the Civic Center for this event for the last sixteen years, now

Therefore, Be It Resolved, the City Council of the City of Lansing, hereby authorizes City payment of the Civic Center fees for the Oldtimers Baseball Organization's annual dinner on January 12, 1987, and,

Be It Finally Resolved that the Civic Center shall be reimbursed from the City's Special Activities account.

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

Nays: None.

Absent: Councilmember Blair—(1).

By COUNCILMEMBER LINDEMANN—

I'd like to go on record as being very disappointed in this project. This project is of such magnitude and not enough input by council in the development plan that I am forced to vote against the resolutions.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0584

RESOLUTION APPROVING TAX INCREMENT FINANCE PLAN FOR MICHIGAN SQUARE PROJECT PHASE I

Minutes of a regular meeting of the City Council of the City of Lansing, County of Ingham, State of Michigan, held at 7:00 o'clock p.m., Michigan Time, on December 22, 1986, at which the following members were present: Councilmembers Adado, Belen, Benavides, Creamer, Schmidt, Lindemann, and Worthington and the following were absent: Councilmember Blair.

The following preamble and resolution were offered by Councilmember Belen and supported by Councilmember Schmidt.

Whereas, this City Council has given notice pursuant to Section 17 of Public Act No. 450 of the Michigan Public Acts of 1980, as amended (the "Act"), of a public hearing which was held on November 24, 1986, relative to the Tax Increment Finance Plan for the Michigan Square Project Phase I (the "Project") of the Tax Increment Financing Authority of the City of Lansing (the "Authority"); and

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Tax Increment Finance Plan, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

Whereas, this City Council desires to express its approval of said Tax Increment Finance Plan and the Project described therein, and wishes to request the Authority to proceed with the Project and the financing thereof.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing as follows:

1. It is hereby determined that the Tax Increment Finance Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Finance Plan is hereby approved in its entirety, based on the following considerations:

a. The Tax Increment Finance Plan meets the requirements set forth in Section 13(2) and 14 of the Act.

b. The proposed method of financing the Project is feasible and the Authority has the ability to arrange the financing.

c. The Project is reasonable and necessary to carry out the purposes of the Act.

d. The amount of captured assessed value estimated to result for adoption of the Plan is reasonable.

e. The land to be acquired within the development area is reasonably necessary to carry out the purposes of the plan and the purposes of the Act.

f. The Tax Increment Finance Plan is in reasonable accord with the approved master plan of the City of Lansing.

g. Public services, including fire and police protection and utilities, are or will be adequate to service the development area.

h. Changes in zoning, street levels, intersections, and utilities, such as are set forth in the plan, are reasonably necessary for the project and the municipality.

2. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

The City Clerk is hereby directed to provide four certified copies of this resolution to the Secretary of the Issuer.

Yeas: Councilmembers Belen, Benavides, Creamer, Schmidt and Worthington—(5).

Nays: Councilmembers Adado and Lindemann—(2).

Abstentions: None.

Absent: Councilmember Blair—(1).

Resolution declared adopted.

STATE OF MICHIGAN)
) ss.
County of Ingham)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, County of Ingham, Michigan, held on the 22nd day of December, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA BAUMAN,
City Clerk.

By COMMITTEE OF THE WHOLE—

RESOLUTION #0585

RESOLUTION APPROVING DEVELOPMENT PLAN FOR MICHIGAN SQUARE PROJECT PHASE I

Minutes of a regular meeting of the City Council of the City of Lansing, County of Ingham, Michigan,

held at 7:00 o'clock p.m., Michigan Time, on December 22, 1986, at which time the following members were present: Councilmembers Adado, Belen, Benavides, Cremer, Schmidt, Lindemann, and Worthington. Absent: Councilmember Blair.

The following preamble and resolution were offered by Councilmember Belen and supported by Councilmember Schmidt.

Whereas, this City Council has given notice pursuant to Section 17 of Public Act No. 450 of the Michigan Public Acts of 1980, as amended (the "Act"), of a public hearing which was held on November 24, 1986, for the Michigan Square Project Phase I (the "Project") of the Tax Increment Financing Authority of the City of Lansing (the "Authority"); and

Whereas, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Development Plan, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

Whereas, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

Whereas, this City Council desires to express approval of said Development Plan and the Project described therein, and the creation and establishment of the Development Area described within the Development Plan.

Now, Therefore, Be It Resolved by the City Council of the City of Lansing as follows:

1. It is hereby determined that the Development Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Development Plan and amended Development Area is hereby approved in its entirety based on the following considerations:

a. The Development Plan meets the requirements set forth in Section 16(2) of the Act.

b. The proposed method of financing the Project is feasible and the Authority has the ability to arrange the financing.

c. The Project is reasonable and necessary to carry out the purposes of the Act.

d. The amount of captured assessed value estimated to result for adoption of the Plan is reasonable.

e. The land to be acquired within the development area is reasonably necessary to carry out the purposes of the plan and the purposes of the Act.

f. The Development Plan is in reasonable accord with the approved master plan of the City of Lansing.

g. Public services, including fire and police protection and utilities, are or will be adequate to service the development area.

h. Changes in zoning, streets, street levels, intersections and utilities, such as are set forth in the plan,

are reasonably necessary for the project and the municipality.

2. The creation and establishment of the Development Area described within the Development Plan is hereby approved.

3. All resolutions are parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

The City Clerk is hereby directed to provide four certified copies of this resolution to the Secretary of the Issuer.

Yeas: Councilmembers Belen, Benavides, Creamer, Schmidt, and Worthington—(5).

Nays: Councilmembers Adado and Lindemann—(2).

Abstentions: None.

Absent: Councilmember Blair—(1).

Resolution declared adopted.

STATE OF MICHIGAN)
) ss.
County of Ingham)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Lansing, County of Ingham, Michigan, held on the 22nd day of December, 1986, and that the said minutes are on file in the office of the City Clerk and are available to the public and in compliance with Act No. 267, Public Acts of Michigan, 1976.

RITA BAUMAN,
City Clerk.

By COMMITTEE ON WAYS AND MEANS—

Resolved by the City Council of the City of Lansing:

That the following transfers be approved:

\$6,030.00 from Admin. Div. Admin. Wages-Temp Labor
A/C 101-692-000-707
\$7,760.00 from Rec. Div. Foster Ctr. Wages-Temp Labor
A/C 101-726-503-707
2,210.00 from Rec. Div. Comp. & Instr. Sports Wages-Temporary Help
A/C 101-727-500-707
10,000.00 to Parks & Rec. Admin. Div. Admin. Professional Services
A/C 101-692-000-801
(Provide security services at Oak Park complex, Foster and Gier Centers, and Davis and Gier ballfields for the balance of the fiscal year as necessary.)
\$13,300.00 from LPD Admin. Longevity
A/C 101-305-000-712
1,290.00 from LPD Uniform Salaries
A/C 101-316-000-702

620.00 from Parks & Rec. Rec. Div. Community Act.
 —Aquatics Wages-Temp. Help
 A/C 101-728-500-707
 15,210.00 to LPD Uniform Prof. Services
 A/C 101-316-000-801

(Implement program for additional security guard coverage at City Park facilities.)

I hereby certify this this is a properly drawn and eligible transfer.

JAMES DOWSETT,
 Finance Director.

Signed:

PAT LINDEMANN
 SIDNEY WORTHINGTON
 Committee on Ways and Means

Adopted by the following vote:

Yeas: Councilmembers Adado, Belen, Benavides, Creamer, Lindemann, Schmidt and Worthington—(7).

Nays: None.

Absent: Councilmember Blair—(1).

Councilmember Belen left at 9:05 P.M.

ORDINANCES

By COUNCILMEMBER WORTHINGTON—

The Committee reports that it had considered ordinances providing that the Code of Ordinances, City of Lansing, Michigan be amended by:

a. Adding a new Chapter 22 containing sections numbered 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinance provisions pertaining to OFFENSES.

b. Repeal of Ordinances for the purpose of updating and revising the Ordinance pertaining to Offenses:

1. Repeal of Articles I, II, IIA and IV of Chapter 16.

2. Repeal of Chapter 21 containing Sections numbered 21-1 through 21-24, inclusive.

3. Repeal of Sections numbered 22-1 through 22-85, inclusive, of Chapter 22.

4. Repeal of Chapter 23 containing Sections numbered 23-1 through 24-32, inclusive.

5. Repeal of Chapter 24 containing Sections numbered 24-1 through 24-68, inclusive.

6. Repeal of Chapter 26A containing sections numbered 26A-1 through 26A-16, inclusive.

7. Repeal of Sections 4-6 and 4-10 of Chapter 4. and recommended that the ordinances be passed.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by adding a new Chapter 22 containing Sections numbered 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinances provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of Lansing, that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by adding a new Chapter 22 containing Sections 22-1 through 22-26, inclusive, for the purpose of consolidating and revising ordinances provisions pertaining to Offenses.

Be now passed.

By COUNCILMEMBER LINDEMANN—

That we amend this ordinance by deleting Section 22-26 and refer it back to committee.

Adopted by the following vote:

Yeas—Councilmembers Adado, Benavides, Creamer, Lindeman, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Belen and Blair—(2).

By COUNCILMEMBER WORTHINGTON—

That we amend Page 5, Line 2, after the word "under" by inserting, "or a person who is disabled or handicapped."

Carried.

The ordinance as amended was

Adopted by the following vote:

Yeas—Councilmembers Adado, Benavides, Creamer, Lindeman, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Belen and Blair—(2).

ORDINANCE NO. 739

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY ADDING A NEW CHAPTER 22 CONTAINING SECTIONS

NUMBERED 22-1 THROUGH 22-26, INCLUSIVE, FOR THE PURPOSE OF CONSOLIDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1. That the Code of Ordinances of Lansing, Michigan, be amended by adding a new Section 22 containing Sections numbered 22-1 through 22-26, inclusive, to read as follows:

Sec. 22-1. GENERAL PROVISIONS.

(A) EXCEPT AS OTHERWISE PROVIDED, ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN SECTION 1-8 OF THIS CODE.

(B) EXCEPT AS OTHERWISE PROVIDED, ANY PERSON WHO AIDS, ABETS, COUNSELS, PROCURES, COMMANDS, OR ASSISTS IN THE COMMISSION OF ANY OFFENSE PROHIBITED BY THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR.

(C) A POLICE OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE THAT A MINOR IS IN VIOLATION OF THIS CHAPTER MAY TAKE SUCH MINOR TO THE POLICE DEPARTMENT WHERE THE DETENTION AND NOTIFICATION REQUIREMENTS OF THE MICHIGAN PROBATE CODE AND ALL APPLICABLE COURT RULES SHALL BE FOLLOWED.

SEC. 22-2. DEFINITIONS.

THE FOLLOWING DEFINITIONS SHALL APPLY TO ALL PROSECUTIONS FOR OFFENSES PROVIDED IN THIS CHAPTER.

(A) "ALCOHOLIC BEVERAGES" SHALL MEAN BEER, WINE, ALCOHOLIC LIQUOR OR BRANDY AS DEFINED IN THE MICHIGAN LIQUOR CONTROL ACT, AS AMENDED.

(B) "DISTURBANCE" SHALL MEAN SOMETHING LESS THAN THREATS OF VIOLENCE; IS AN INTERRUPTION OF PEACE AND QUIET; A VIOLATION OF PUBLIC ORDER AND DECORUM; OR AN INTERFERENCE WITH OR HINDRANCE OF ONE IN PURSUIT OF A LAWFUL RIGHT OR OCCUPATION.

(C) "HABITUAL OFFENDER" SHALL BE ANY MINOR WHO COMMITS TWO (2) OR MORE CRIMINAL ACTS WITHIN A TWELVE (12) MONTH PERIOD.

(D) "LEWD OR IMMORAL CONDUCT" SHALL MEAN THE ENGAGING IN CONDUCT FOR MONEY OR OTHER CONSIDERATION BY PERSONS OTHER THAN HUSBAND AND WIFE AND WHERE THE GENITALS, PUBIC AREA, OR FEMALE BREASTS COME IN CONTACT WITH SOME PART OF THE BODY OF ANOTHER FOR THE PURPOSE OF SEXUAL AROUSAL OR GRATIFICATION.

(E) "MINOR" SHALL MEAN ANY PERSON UNDER THE AGE OF SEVENTEEN (17).

(F) "NIGHTTIME" SHALL MEAN THE PERIOD BETWEEN SUNSET AND SUNRISE.

(G) "PARENT" SHALL MEAN ANY OF THE FOLLOWING: MOTHER, FATHER, LEGAL GUARDIAN AND ANY OTHER PERSON HAVING THE CARE, CUSTODY, OR CONTROL OF A MINOR, OR SUCH OTHER ADULT WITH WHOM A MINOR MAY BE FOUND RESIDING

(H) "PROSTITUTION" SHALL MEAN THE ENGAGING IN THE ACT OF SEXUAL INTERCOURSE WHETHER VAGINAL OR ORAL BETWEEN PERSONS OTHER THAN HUSBAND AND WIFE FOR MONEY OR OTHER CONSIDERATION.

(I) "PUBLIC PLACE" MEANS ANY STREET, ALLEY, PARK, SIDEWALK, PUBLIC BUILDING, VACANT LOT, PARKING LOT, PARKING GARAGE, ANY PLACE OF BUSINESS OPEN TO THE PUBLIC OR FREQUENTED BY THE PUBLIC OR ANY PORTION THEREOF, ANY OTHER PLACE WHICH TO OPEN TO PUBLIC VIEW OR TO WHICH THE PUBLIC OR ANY PORTION THEREOF HAS ACCESS.

Sec. 22-3. OFFENSES AGAINST PERSONS. NO PERSON SHALL:

(A) WILLFULLY ANNOY ANOTHER PERSON.

(B) RECKLESSLY ENDANGER THE LIFE, HEALTH, OR WELL-BEING OF ANOTHER PERSON.

(C) OBSTRUCT FREE OR UNINTERRUPTED PASSAGE ON ANY STREET, SIDEWALK OR ANY PUBLIC PLACE, OR IN ANY OTHER PLACE TO WHICH THE PUBLIC IS ADMITTED, PROVIDED, HOWEVER, THAT IN THE EVENT PASSAGE IS BEING OBSTRUCTED BY AN ORGANIZED OR GROUP DEMONSTRATION OR PICKETING, AN OFFENSE SHALL NOT OCCUR UNLESS SUCH OBSTRUCTION SHALL CONTINUE AFTER THE PERSON OR PERSONS CREATING THE OBSTRUCTION SHALL HAVE BEEN DIRECTED BY AN AUTHORIZED LAW ENFORCEMENT OFFICER TO CEASE OBSTRUCTING THE PUBLIC STREET, SIDEWALK OR PLACE.

(D) OBTAIN FROM ANY OTHER PERSON INCLUDING A BUSINESS ESTABLISHMENT, ANY MONEY, PERSONAL PROPERTY, SERVICES, OR ANY OTHER THING OF VALUE, WITH THE INTENT TO DEFRAUD OR CHEAT SAID PERSON OR BUSINESS ESTABLISHMENT.

Sec. 22-4. ASSAULT AND BATTERY.

NO PERSON SHALL COMMIT AN ASSAULT AND BATTERY UPON ANOTHER PERSON.

Sec. 22-5. PROPERTY OFFENSES. NO PERSON SHALL:

(A) TRESPASS UPON THE PREMISES OF ANOTHER OR UNLAWFULLY REMAIN UPON THE PREMISES OF ANOTHER OR WITHOUT PERMISSION OR AUTHORITY OF THE LAWFUL OCCUPANTS OR AN AGENT OF THE LAWFUL OCCUPANT.

(B) WILLFULLY DESTROY, TAKE, DAMAGE, ALTER, OR IN ANY OTHER MANNER DEFACE ANY PROPERTY OF ANOTHER OR THAT WHICH IS NOT HIS OR HER OWN, OR REMOVE SAME FROM ANY BUILDING OR PLACE WHERE IT MAY BE KEPT, PLACED OR STORED WITHOUT PROPER AUTHORITY.

(C) PROWL ABOUT THE PREMISES OF ANOTHER PERSON IN THE NIGHTTIME WITHOUT AUTHORITY OR PERMISSION OF THE OWNER OF SAID PREMISES OR WITHOUT AUTHORITY OR PERMISSION OF THE LAWFUL OCCUPANTS OF THE PREMISES OR AN AGENT OF THE LAWFUL OCCUPANTS.

(D) DESTROY, TAKE, DISCONNECT, TAMPER OR MEDDLE WITH ANY UTILITY METER OR ANY PROPERTY BELONGING TO THE CITY OR THE BOARD OF WATER AND LIGHT OR PUBLIC UTILITY COMPANY.

(E) DESTROY, DAMAGE OR IN ANY MANNER ALTER OR DEFACE ANY DRINKING FOUNTAIN OR PUBLIC TOILET OR RESTROOM OR DEPOSIT OR THROW ANY SUBSTANCE IN ANY DRINKING FOUNTAIN OR IN ANY MANNER POLLUTE THE WATER THEREIN.

(F) EXPECTORATE, URINATE OR DEFECCATE IN ANY PUBLIC PLACE OR UPON THE PROPERTY OF ANOTHER PERSONS, EXCEPT IN FACILITIES INTENDED FOR SUCH ACTIVITIES.

(G) ENGAGE IN ANY UNWARRANTED LOITERING IN ANY PARKING LOT OR PARKING GARAGE, WHETHER PUBLICLY OR PRIVATELY OWNED.

(H) ENTER INTO, ENGAGE IN PEEPING INTO, OPEN THE DOOR, OR BE IN ANY RESTROOM OR LOCKER ROOM WHICH HAS A SIGN POSTED INDICATING OR DESIGNATING THAT THE RESTROOM OR LOCKER ROOM IS FOR THE USE OF THE OPPOSITE SEX. PROVIDED, HOWEVER, THIS SECTION SHALL NOT APPLY TO LAW ENFORCEMENT OFFICIALS OR PERSONS WHOSE JOB DUTIES INCLUDE BUILDING SECURITY, THE CLEANING, REMODELING AND/OR REPAIRING OF THOSE RESTROOMS AND LOCKER ROOMS. THIS SECTION SHALL NOT APPLY TO THOSE CHILDREN AGED EIGHT (8) YEARS OR UNDER, WHO ARE IN THE CUSTODY OF OR BEING ESCORTED BY AN ADULT OF THE OPPOSITE SEX.

Sec. 22-6. ALCOHOL OFFENSES.

(A) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT A PERSON LESS THAN TWENTY-ONE (21) YEARS OF AGE FROM POSSESSING ALCOHOLIC LIQUOR DURING REGULAR WORKING HOURS AND IN THE

COURSE OF HIS OR HER EMPLOYMENT IF EMPLOYED BY A PERSON LICENSED UNDER THE MICHIGAN LIQUOR CONTROL ACT, BY THE MICHIGAN LIQUOR CONTROL COMMISSION, OR BY AN AGENT OF THE MICHIGAN LIQUOR COMMISSION, IF THE ALCOHOLIC BEVERAGE IS NOT POSSESSED FOR HIS OR HER CONSUMPTION.

(B) NO PERSON SHALL:

(1) EITHER DIRECTLY OR INDIRECTLY, BY HIMSELF, CLERK, AGENT, SERVANT OR EMPLOYEE SHALL AT ANY TIME, SELL, FURNISH, GIVE OR DELIVER ANY ALCOHOLIC BEVERAGE TO ANY PERSON WHEN SUCH PERSON SHALL NOT HAVE ATTAINED THE AGE OF TWENTY-ONE (21) YEARS.

(2) EITHER DIRECTLY OR INDIRECTLY, BY HIMSELF, CLERK, AGENT, SERVANT OR EMPLOYEE AT ANY TIME SELL, FURNISH, GIVE OR DELIVER ANY ALCOHOLIC BEVERAGE TO ANY PERSON WHO IS UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES.

(3) MAKE FALSE STATEMENTS OR GIVE FALSE STATEMENTS REGARDING HIS/HER AGE TO ANY POLICE OFFICER, PERSON OR EMPLOYEE IN CHARGE OF ANY PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD; OR

(4) MAKE FALSE REPRESENTATION IN ORDER TO PROCURE THE SALE OR FURNISHING OF ALCOHOLIC BEVERAGES TO A PERSON UNDER THE AGE OF TWENTY-ONE (21).

(5) WHEN LESS THAN TWENTY-ONE, YEARS OF AGE KNOWINGLY TRANSPORT OR POSSESS IN A MOTOR VEHICLE, ALCOHOLIC BEVERAGES UNLESS THE PERSON IS EMPLOYED BY A LICENSEE UNDER THE MICHIGAN LIQUOR CONTROL ACT, AS AMENDED, A COMMON CARRIER DESIGNATED BY THE MICHIGAN LIQUOR CONTROL COMMISSION AND IS TRANSPORTING OR HAVING THE ALCOHOLIC BEVERAGE IN A MOTOR VEHICLE UNDER THE PERSON'S CONTROL DURING REGULAR WORKING HOURS AND IN THE COURSE OF THE PERSON'S EMPLOYMENT.

(6) TRANSPORT OR POSSESS ANY ALCOHOLIC BEVERAGE IN A CONTAINER WHICH IS OPEN, UNCAPPED, OR UPON WHICH THE SEAL IS BROKEN, WITHIN THE PASSENGER COMPARTMENT OF A MOTOR VEHICLE. IF THE MOTOR VEHICLE DOES NOT HAVE A TRUNK OR COMPARTMENT SEPARATE FROM THE PASSENGER COMPARTMENT, A CONTAINER WHICH IS OPEN, UNCAPPED OR UPON WHICH THE SEAL IS BROKEN SHALL BE ENCASED OR ENCLOSED. THIS SUBSECTION SHALL NOT APPLY TO ANY CHARTERED PASSENGER VEHICLE LICENSED BY THE MICHIGAN PUBLIC SERVICE COMMISSION AND CITY-LICENSED LIMOUSINES.

(7) WHEN LESS THAN TWENTY-ONE (21) YEARS PURCHASE ALCOHOLIC BEVERAGES,

CONSUME ALCOHOLIC BEVERAGES IN A LICENSED PREMISES OR POSSESS ALCOHOLIC BEVERAGES EXCEPT AS OTHERWISE PROVIDED IN SECTION 22-6 (B)(5) OF THIS SECTION.

(a) ANY POLICE OFFICER WHO WITNESSES A VIOLATION OF THIS SUBSECTION MAY STOP AND DETAIN THE PERSON FOR OBTAINING SATISFACTORY IDENTIFICATION, SEIZING ILLEGALLY POSSESSED ALCOHOLIC BEVERAGES AND ISSUING AN APPEARANCE TICKET.

(b) ANY PERSON LESS THAN TWENTY-ONE (21) YEARS OF AGE WHO VIOLATES THIS SUBSECTION IS LIABLE FOR THE FOLLOWING CIVIL FINES AND SHALL NOT BE SUBJECT TO THE PENALTIES PRESCRIBED IN SECTION 1-8 OF THIS CODE.

(1) FOR THE FIRST VIOLATION A FINE OF NOT MORE THAN \$25.00.

(2) FOR THE SECOND VIOLATION A FINE OF NOT MORE THAN \$50.00.

(3) FOR THE THIRD OR SUBSEQUENT VIOLATION A FINE OF NOT MORE THAN \$100.00.

(C) IT SHALL BE UNLAWFUL FOR ANY PERSON:

(1) TO SELL, CONSUME OR POSSESS IN AN OPEN CONTAINER ALCOHOLIC BEVERAGES IN THE PUBLIC STREETS, PUBLIC PLACE, PARKS, ALLEYS, SIDEWALKS, CITY-OWNED PARKING FACILITIES OR THE TURNER-DODGE MANSION, EXCEPT AS PROVIDED IN THIS SECTION;

(2) TO SELL, CONSUME OR POSSESS IN AN OPEN CONTAINER ALCOHOLIC BEVERAGES IN A PRIVATE PARKING LOT OR FACILITY, INCLUDING BUT NOT LIMITED TO, SHOPPING CENTER PARKING LOTS OR PARKING AREAS ADJACENT TO COMMERCIAL ESTABLISHMENTS WHICH ARE UTILIZED BY PATRONS ON THE COMMERCIAL ESTABLISHMENT, UNLESS SUCH PERSON HAS IN HIS OR HER OWN POSSESSION, IN WRITING, THE EXPRESS PERMISSION OR CONSENT OF THE OWNER OR LESSEE OR THE LAWFUL AGENT OF THE OWNER OR LESSEE OF SAID LOT OR FACILITY. THIS SUBSECTION SHALL NOT APPLY TO ANY EVENT SPONSORED OR AUTHORIZED IN WRITING BY THE OWNER OR LESSEE OF SUCH PREMISES.

(D) BEER OR WINE MAY BE SOLD FOR CONSUMPTION IN THE RIVERFRONT PARK IF A SPECIAL LICENSE FOR SUCH SALE IS OBTAINED FROM THE MICHIGAN LIQUOR CONTROL COMMISSION AND IF THE CITY COUNCIL APPROVES THE LICENSE APPLICATION PRIOR TO THE ISSUANCE OF THE LICENSE. APPROVAL BY THE CITY COUNCIL SHALL BE OBTAINED ONLY IF THE LICENSE IS TO BE UTILIZED IN CONJUNCTION WITH A CITY-APPROVED CULTURAL, ETHNIC OR COMMUNITY ACTIVITY OPEN TO THE PUBLIC AND IF THE REQUISITES SET FORTH IN

SUBSECTIONS (I), (J) AND (K) OF THIS SECTION ARE MET.

(E) BEER OR WINE MAY BE SOLD FOR CONSUMPTION AT MUNICIPAL BASEBALL FIELD OR RANNEY SOFTBALL FIELD IF A SPECIAL LICENSE FOR SUCH SALE IS OBTAINED FROM THE MICHIGAN LIQUOR CONTROL COMMISSION AND IF THE CITY COUNCIL APPROVES THE LICENSE APPLICATION PRIOR TO THE ISSUANCE OF THE LICENSE. APPROVAL BY CITY COUNCIL SHALL BE OBTAINED ONLY IF THE LICENSE IS TO BE USED IN CONJUNCTION WITH CITY-APPROVED DISTRICT, STATE, REGIONAL OR NATIONAL ADULT ATHLETIC TOURNAMENTS, AND IF THE REQUISITES SET FORTH IN SUBSECTIONS (I), (J) AND (K) OF THIS SECTION ARE MET.

(F) BEER OR WINE MAY BE SOLD FOR CONSUMPTION WITHIN THE GROUNDS OF THE TURNER-DODGE MANSION, SCOTT GARDENS, COOLEY GARDENS, AND COOLEY HAYES PROPERTY OR MAY BE CONSUMED WITHIN THE GROUNDS OF THE TURNER-DODGE MANSION, SCOTT GARDENS, COOLEY GARDENS, AND COOLEY HAYES PROPERTY, PROVIDED, THAT ALL PERMITS AS REQUIRED BY THE PARKS DEPARTMENT HAVE BEEN OBTAINED, A SPECIAL LICENSE, IF APPLICABLE, HAS BEEN OBTAINED FROM THE MICHIGAN LIQUOR CONTROL COMMISSION AND IF THE REQUISITES SET FORTH IN SUBSECTIONS (I), (J) AND (K) ARE MET. RENTAL FEES FOR THE TURNER-DODGE MANSION OR FOR EVENTS AT THE SCOTT GARDENS OR COOLEY GARDENS SHALL BE SET BY CITY COUNCIL RESOLUTION. USE OF THE TURNER-DODGE MANSION OR SCOTT GARDENS OR COOLEY GARDENS IN CONJUNCTION WITH THE SALE OF BEER OR WINE FOR CONSUMPTION SHALL NOT BE NECESSARILY LIMITED TO PUBLIC OR CITY COUNCIL-APPROVED EVENTS, BUT MAY ALSO INCLUDE PRIVATE EVENTS.

(G) BEER OR WINE MAY BE SOLD FOR CONSUMPTION WITHIN THE GROUNDS OF THE GROESBECK GULF COURSE PROVIDED THAT, IF SOLD, A LICENSE FOR SUCH SALE HAS BEEN OBTAINED FROM THE MICHIGAN LIQUOR CONTROL COMMISSION AND FURTHER PROVIDED THAT ANY SUCH CONSUMPTION OR SALE SHALL BE CONTINGENT UPON APPROVAL BY THE PARKS DEPARTMENT AND SUBJECT TO SUCH RULES OR RESTRICTIONS AS THE PARKS DEPARTMENT MAY ESTABLISH.

(H) BEER OR WINE MAY BE SOLD FOR CONSUMPTION WITHIN THE STREETS, ALLEYS, SIDEWALKS AND PUBLIC PLACES WITHIN THE BOUNDARIES OF THE DOWNTOWN MALL AND ENVIRONS, AS DEFINED IN SECTION 24A-1 OF THIS CODE, PROVIDED THE FOLLOWING CONDITIONS ARE SATISFIED:

(1) THE REQUEST HAS BEEN APPROVED BY THE MAYOR AFTER THE MAYOR HAS RECEIVED RECOMMENDATIONS FROM THE MALL ADVISORY BOARD AND FROM ANY OTHER CITY DEPARTMENT THE MAYOR MAY DESIRE;

(2) THE INDIVIDUAL, GROUP OR ORGANIZATION MAKING THE APPLICATION OBTAINS A SPECIAL LICENSE FOR SUCH SALE AND CONSUMPTION FROM THE MICHIGAN LIQUOR CONTROL COMMISSION;

(3) THE INDIVIDUAL, GROUP OR ORGANIZATION HAS COMPLIED WITH SUBSECTIONS (I), (J), (K) AND (L) OF THIS SECTION;

(4) ANY OTHER CONDITIONS WHICH THE MAYOR MAY REQUIRE.

(I) THE CITY CLERK SHALL PROVIDE A FORM ON WHICH THE APPLICANT SHALL PROVIDE THE FOLLOWING INFORMATION:

NAME AND ADDRESS OF THE APPLICANT; NAME OF THE ORGANIZATION, IF APPLICABLE; TYPE OF EVENT; DATE OF APPLICATION; DATE AND TIME OF EVENT PLANNED; PURPOSE OF THE EVENT; ESTIMATED NUMBER OF PERSONS ATTENDING; THE NAME OF THE INSURANCE COMPANY, IF APPLICABLE, FROM WHICH THE NECESSARY PUBLIC LIABILITY POLICY WILL BE OR HAS BEEN OBTAINED; PROOF THAT THE PROPER RENTAL FEE HAS BEEN PAID, IF APPLICABLE; AND THE SECURITY MEASURES WHICH THE APPLICANT PROPOSES TO UTILIZE.

UPON THE APPLICANT'S PAYMENT OF AN APPLICATION FEE, AS DETERMINED BY COUNSEL RESOLUTION, THE CITY CLERK SHALL FORWARD THE COMPLETED APPLICATION FORM TO THE CITY POLICE AND THE CITY PARKS DEPARTMENT FOR THEIR REVIEW.

(J) WHENEVER A SPECIAL LICENSE FOR THE SALE OF BEER OR WINE FOR CONSUMPTION IN RIVERFRONT PARK, MUNICIPAL BASEBALL FIELD, RANNEY SOFTBALL FIELD, WITHIN THE DOWNTOWN MALL AND ENVIRONS OR WITHIN THE GROUNDS OF THE TURNER-DODGE MANSION, SCOTT PARK, COOLEY GARDENS AND COOLEY HAYES PROPERTY IS REQUIRED, THE APPLICANT SHALL FILE WITH THE CITY CLERK PROOF OF A PERSONAL INJURY AND PROPERTY DAMAGE INSURANCE POLICY INSURING SUCH APPLICANT AGAINST ANY LIABILITY IMPOSED ON SUCH APPLICANT AND/OR THE CITY OF LANSING ARISING OUT OF THE SALE OF BEER OR WINE. SUCH POLICY SHALL PROVIDE FOR NO LESS THAN THE PAYMENT OF UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000) IN THE EVENT OF INJURY TO, OR DEATH OF, ONE PERSON; OR MORE THAN ONE PERSON; AND FOR THE PAYMENT OF NO LESS THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR PROPERTY DAMAGE. SUCH POLICY SHALL HAVE A PROVISION TO THE EFFECT THAT THE INSURANCE COMPANY SHALL NOTIFY THE CITY CLERK AT LEAST TEN (10) DAYS PRIOR TO THE EXPIRATION OF SUCH POLICY. PROVIDED, HOWEVER, THAT THIS REQUIREMENT MAY BE WAIVED OR THE AMOUNTS OF SUCH REQUIRED INSURANCE REDUCED BY RESOLUTION OF THE LANSING CITY COUNCIL FIN-

DING THAT SUCH A REDUCTION OR WAIVER IS IN THE PUBLIC INTEREST.

(K) THE APPLICANT SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SECURITY, IN THE FORM OF ADEQUATE PERSONNEL AND FENCING, AS DETERMINED BY THE CITY PARKS DEPARTMENT. APPROVAL BY THE CITY PARKS DEPARTMENT OF THE APPLICANT'S PLAN FOR SECURITY SHALL BE OBTAINED PRIOR TO ANY APPLICATION BEING APPROVED OR ANY EVENT BEING SCHEDULED.

(L) IT SHALL BE UNLAWFUL FOR ANY PERSON OR AUTHORIZED AGENT TO SELL BEER OR WINE FOR CONSUMPTION IN RIVERFRONT PARK, MUNICIPAL BASEBALL FIELD OR RANNEY SOFTBALL FIELD, IN ANY CONTAINER OTHER THAN PAPER OR PLASTIC. IT SHALL BE UNLAWFUL FOR ANY PERSON OR AUTHORIZED AGENT TO SELL OR DISPENSE BEER OR WINE FOR CONSUMPTION WITHIN THE TURNER-DODGE MANSION, IN ANY CONTAINER OTHER THAN PAPER OR PLASTIC, UNLESS PRIOR WRITTEN PERMISSION HAS BEEN RECEIVED FROM THE CITY PARKS DEPARTMENT.

SEC. 22-7. SUBSTANCE OFFENSES. NO PERSON SHALL:

(A) BE INTOXICATED IN A PUBLIC PLACE AND EITHER DIRECTLY ENDANGER THE SAFETY OF ANOTHER PERSON, OR OF PROPERTY, OR ACT IN A MANNER WHICH CREATES A PUBLIC DISTURBANCE.

(B) EXCEPT AS OTHERWISE PERMITTED BY LAW, INTENTIONALLY SMELL OR INHALE THE FUMES OF ANY SUBSTANCE RELEASING VAPORS FOR THE PURPOSE OF CAUSING A EUPHORIA, EXCITEMENT, EXHILARATION, STUPEFACTION, OR DULL SENSES; OR TO POSSESS, BUY OR USE ANY SUCH SUBSTANCE FOR THE PURPOSE OF VIOLATING, AIDING OR ABETTING ANOTHER PERSON TO VIOLATE THIS SECTION.

(C) BE UNDER THE INFLUENCE IN ANY PUBLIC PLACE OF ANY DRUG, ANY OTHER EXHILARATING OR STUPEFYING SUBSTANCE, OR ANY COMBINATION OF SUCH SUBSTANCES, ALCOHOL EXCEPTED.

(D) RECEIVE OR ADMIT OR OFFER TO RECEIVE OR ADMIT ANY PERSON INTO ANY PLACE, STRUCTURE, HOUSE, BUILDING, OR VEHICLE FOR THE PURPOSE OF BUYING, SELLING, GIVING AWAY, OR USING ANY CONTROLLED SUBSTANCE DEFINED UNDER STATE LAW, OR KNOWINGLY PERMIT ANY PERSON TO REMAIN IN ANY SUCH PLACE FOR ANY SUCH PURPOSE.

SEC. 22-8. DRUG PARAPHERNALIA.

(A) DEFINITIONS. THE TERM "DRUG PARAPHERNALIA" MEANS ALL EQUIPMENT, PRODUCTS AND MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR

DESIGNED FOR USE, IN PLANTING, PROPAGATING, CULTIVATING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, CONTAINING, CONCEALING, INJECTING, INGESTING, INHALING, OR OTHERWISE INTRODUCING INTO THE HUMAN BODY A CONTROLLED SUBSTANCE IN VIOLATION OF STATE OR LOCAL LAW. IT INCLUDES, BUT IS NOT LIMITED TO:

(1) BLENDERS, BOWLS, CONTAINERS, SPOONS AND MIXING DEVICES USED, INTENDED FOR USE OR DESIGNED FOR USE IN COMPOUNDING CONTROLLED SUBSTANCES;

(2) CAPSULES, BALLOONS, ENVELOPES AND OTHER CONTAINERS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PACKAGING SMALL QUANTITIES OF CONTROLLED SUBSTANCES;

(3) CONTAINERS AND OTHER OBJECTS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN STORING OR CONCEALING CONTROLLED SUBSTANCES;

(4) DILUTENTS AND ADULTERANTS, SUCH AS QUININE HYDROCHLORIDE, MANNITOL, MANNITE, DEXTROSE AND LACTOSE, USED, INTENDED FOR USE, OR DESIGNED FOR USE IN CUTTING CONTROLLED SUBSTANCES;

(5) ISOMERIZATION DEVICES USED, INTENDED FOR USE, OR DESIGNED FOR USE IN INCREASING THE POTENCY OF ANY SPECIES OF PLANT WHICH IS A CONTROLLED SUBSTANCE;

(6) KITS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN MANUFACTURING, COMPOUNDING, CONVERTING, PROCESSING OR PREPARING CONTROLLED SUBSTANCES;

(7) KITS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING OR HARVESTING OF ANY SPECIES OF PLANT WHICH IS A CONTROLLED SUBSTANCE OR FROM WHICH A CONTROLLED SUBSTANCE CAN BE DERIVED;

(8) OBJECTS USED, INTENDED FOR USE, OR DESIGNED FOR USE IN INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA, COCAINE, HASHISH, OR HASHISH OIL INTO THE HUMAN BODY, SUCH AS:

- (a) AIR-DRIVEN PIPES;
- (b) BONGS;
- (c) CARBURETION TUBES AND DEVICES;
- (d) CARBURETOR PIPES;
- (e) CHAMBER PIPES;
- (f) CHILLUMS;
- (g) ELECTRIC PIPES;

(h) ICE PIPES OR CHILLERS;

(i) METAL, WOODEN, ACRYLIC, GLASS, STONE, PLASTIC OR CERAMIC PIPES WITH OR WITHOUT SCREENS, PERMANENT SCREENS, HASHISH HEADS OR PUNCTURED METAL BOWLS;

(j) MINIATURE COCAINE SPOONS, AND COCAINE VIALS;

(k) ROACH CLIPS: MEANING OBJECTS USED TO HOLD BURNING MATERIALS, SUCH AS A MARIJUANA CIGARETTE, THAT HAS BECOME TOO SMALL OR TOO SHORT TO BE HELD IN THE HAND;

(l) SMOKING AND CARBURETION MASKS;

(m) WATER PIPES;

(9) SCALES AND BALANCES USED, INTENDED FOR USE, OR DESIGNED FOR USE IN WEIGHING OR MEASURING CONTROLLED SUBSTANCES;

(10) SEPARATION GINS AND SIFTERS USED, INTENDED FOR USE OR DESIGNED FOR USE IN REMOVING TWIGS AND SEEDS FROM, OR IN OTHERWISE CLEANING OR REFINING MARIJUANA;

(11) TESTING EQUIPMENT USED, INTENDED FOR USE, OR DESIGNED FOR USE IN IDENTIFYING, OR IN ANALYZING THE STRENGTH, EFFECTIVENESS OR PURITY OF CONTROLLED SUBSTANCES.

(B) IN DETERMINING WHETHER AN OBJECT IS "DRUG PARAPHERNALIA," A COURT OR OTHER AUTHORITY SHOULD CONSIDER IN ADDITION TO ALL OTHER LOGICALLY RELEVANT FACTORS, THE FOLLOWING:

(1) STATEMENTS BY AN OWNER OR BY ANYONE IN CONTROL OF THE OBJECTS CONCERNING ITS USE;

(2) PRIOR CONVICTIONS, IF ANY, OF AN OWNER, OR OF ANYONE IN CONTROL OF THE OBJECT, UNDER ANY STATE OR FEDERAL LAW RELATING TO ANY CONTROLLED SUBSTANCES;

(3) THE PROXIMITY OF THE OBJECT, IN TIME AND SPACE, TO A DIRECT VIOLATION OF STATE LAW;

(4) THE PROXIMITY OF THE OBJECT TO CONTROLLED SUBSTANCES;

(5) THE EXISTENCE OF ANY RESIDUE OF CONTROLLED SUBSTANCES ON THE OBJECT;

(6) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE INTENT OF AN OWNER, OR OF ANYONE IN CONTROL OF THE OBJECT, TO DELIVER IT TO PERSONS WHOM HE/SHE KNOWS, INTENDS TO USE THE OBJECT TO FACILITATE A VIOLATION OF STATE OR LOCAL LAW; THE INNOCENCE OF AN OWNER, OR OF ANYONE IN CONTROL OF THE

OBJECT, AS TO A DIRECT VIOLATION OF STATE LAW SHALL NOT PREVENT A FINDING THAT THE OBJECT IS INTENDED FOR USE, OR DESIGNED FOR USE AS DRUG PARAPHERNALIA;

(7) INSTRUCTION, ORAL OR WRITTEN, PROVIDED WITH THE OBJECT CONCERNING ITS USE;

(8) DESCRIPTIVE MATERIALS ACCOMPANYING THE OBJECT WHICH EXPLAIN OR DEPICT ITS USE;

(9) NATIONAL AND LOCAL ADVERTISING CONCERNING ITS USE;

(10) THE MANNER IN WHICH THE OBJECT IS DISPLAYED FOR SALE;

(11) WHETHER THE OWNER, OR ANYONE IN CONTROL OF THE OBJECT, IS A LEGITIMATE SUPPLIER OF LIKE OR RELATED ITEMS TO THE COMMUNITY, SUCH AS A LICENSED DISTRIBUTOR OR DEALER OF TOBACCO PRODUCTS;

(12) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE RATIO OF SALES OF THE OBJECT(S) TO THE TOTAL SALES OF THE BUSINESS ENTERPRISE;

(13) THE EXISTENCE AND SCOPE OF LEGITIMATE USES FOR THE OBJECT IN THE COMMUNITY;

(14) EXPERT TESTIMONY CONCERNING ITS USE.

(C) POSSESSION OF DRUG PARAPHERNALIA. IT IS UNLAWFUL FOR ANY PERSON TO USE, OR TO POSSESS WITH INTENT TO USE, DRUG PARAPHERNALIA TO PLANT, PROPAGATE, CULTIVATE, GROW, HARVEST, MANUFACTURE, COMPOUND, CONVERT, PRODUCE, PROCESS, PREPARE, TEST, ANALYZE, PACK, REPACK, STORE, CONTAIN, CONCEAL, INJECT, INGEST, INHALE OR OTHERWISE INTRODUCE INTO THE HUMAN BODY A CONTROLLED SUBSTANCE IN VIOLATION OF STATE OR LOCAL LAW.

(D) MANUFACTURE, DELIVERY OR SALE OF DRUG PARAPHERNALIA. IT IS UNLAWFUL FOR ANY PERSON TO DELIVER, SELL, PROCESS WITH INTENT TO DELIVER OR SELL, OR MANUFACTURE WITH INTENT TO DELIVER OR SELL, DRUG PARAPHERNALIA, KNOWING THAT IT WILL BE USED TO PLANT, CONVERT, PRODUCE, PROCESS, PREPARE, TEST, ANALYZE, PACK, REPACK, STORE, CONTAIN, CONCEAL, INJECT, INGEST, INHALE OR OTHERWISE INTRODUCE INTO THE HUMAN BODY A CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW.

(E) ADVERTISEMENT OF DRUG PARAPHERNALIA. IT IS UNLAWFUL FOR ANY PERSON TO PLACE IN ANY NEWSPAPER, MAGAZINE, FANDBILL, SIGN, POSTER, OR OTHER PUBLICATION ANY ADVERTISEMENT, KNOWING THAT THE PURPOSE OF THE ADVERTISE-

MENT, IN WHOLE OR IN PART, IS TO PROMOTE THE SALE OF OBJECTS DESIGNED OR INTENDED FOR USE AS DRUG PARAPHERNALIA.

(F) EXCEPTIONS. THIS ORDINANCE SHALL NOT APPLY TO MANUFACTURERS, WHOLESALEERS, JOBBERS, LICENSED MEDICAL TECHNICIANS, TECHNOLOGISTS, NURSES, HOSPITALS, RESEARCH TEACHING INSTITUTIONS, CLINICAL LABORATORIES, MEDICAL DOCTORS, OSTEOPATHIC PHYSICIANS, DENTISTS, CHIROPODISTS, VETERINARIANS, PHARMACISTS, AND EMBALMERS IN THE NORMAL LEGAL COURSE OF THEIR RESPECTIVE BUSINESS OR PROFESSIONS, NOR TO PERSONS SUFFERING FROM DIABETES, ASTHMA, OR ANY OTHER MEDICAL CONDITION REQUIRING SELF-INJECTION.

(G) CIVIL FORFEITURE. ANY DRUG PARAPHERNALIA USED, SOLD, POSSESSED WITH INTENT TO USE OR SELL, OR MANUFACTURED WITH INTENT TO SELL IN VIOLATION OF THIS ARTICLE SHALL BE SEIZED AND FORFEITED AND MAY BE DESTROYED AFTER SIXTY (60) DAYS.

(H) PENALTY. ANY PERSON WHO SHALL BE CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF THIS SECTION SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) OR BY IMPRISONMENT NOT TO EXCEED NINETY (90) DAYS, OR BOTH, IN THE DISCRETION OF THE COURT. EACH DAY A VIOLATION CONTINUES SHALL BE CONSTRUED A SEPARATE OFFENSE AND MAY BE PUNISHED ACCORDINGLY.

SEC. 22-9. OFFENSES AGAINST GOVERNMENTAL ORDER. NO PERSON SHALL:

(A) KNOWINGLY FURNISH TO ANY POLICE OFFICER OR ANY OTHER OFFICIAL EMPLOYEE OF THE CITY FALSE INFORMATION, INCLUDING BUT NOT LIMITED TO A FALSE NAME, ADDRESS, AGE OR DATE OF BIRTH, IN CONNECTION WITH AN INVESTIGATION OF ANY VIOLATION OF THIS CODE OR ANY OTHER CITY, STATE OR FEDERAL LAW, OR IN CONNECTION WITH AN APPLICATION FOR ANY CITY REQUIRED LICENSE.

(B) KNOWINGLY MAKE OR FURNISH TO ANY POLICE OFFICER OR ANY OTHER OFFICIAL OR EMPLOYEE OF THE CITY, WHEN THAT OFFICER, OFFICIAL OR EMPLOYEE IS ACTING IN AN OFFICIAL CAPACITY, A FALSE OR FICTITIOUS REPORT OF THE COMMISSION OF ANY VIOLATION OF THIS CODE OR OF ANY CITY, STATE OR FEDERAL LAW.

(C) ESCAPE, OR ATTEMPT TO ESCAPE, WHILE LAWFULLY CONFINED BY OR IN THE CUSTODY OF THE CITY OR ANY OF ITS OFFICERS, OFFICIALS OR EMPLOYEES PERFORMING LAW ENFORCEMENT DUTIES.

(D) WILLFULLY FAIL TO OBEY ANY LAWFUL COMMAND OF A LAW ENFORCEMENT

OFFICER TO STOP OR HALT, PROVIDING THAT SUCH OFFICER IDENTIFIES HIMSELF OR HERSELF AS A LAW ENFORCEMENT OFFICER AND PROVIDES OR OFFERS TO PROVIDE IDENTIFICATION OF SUCH AND PROVIDED THAT A LAW ENFORCEMENT OFFICER IS ATTEMPTING TO APPREHEND SUCH PERSON FOR A VIOLATION OF ANY CITY, STATE OF FEDERAL LAW.

(E) HINDER, HARASS, INJURE, AGGRAVATE OR INTERFERE WITH A DOG OR OTHER ANIMAL BEING USED FOR LAW ENFORCEMENT PURPOSES.

(F) TURN IN ANY FALSE ALARM OR REPORT REGARDING A BURGLARY, FIRE OR THE PLANTING OF ANY BOMB, EXPLOSION OR LIKE CATASTROPHE.

(G) ENTER AN AREA OR REMAIN IN AN AREA WHERE ACCESS HAS BEEN RESTRICTED OR CLOSED BY A LAW ENFORCEMENT OFFICER OR OTHER PUBLIC OFFICIAL OR WHENEVER A PERSON HAS BEEN INFORMED BY AN OFFICER OR OTHER PUBLIC OFFICIAL THAT THE AREA IS CLOSED OR RESTRICTED OR WHEN THE AREA HAS BEEN CORDONED OFF WITH ROPES, TAPE, BARRIERS, OR ANY OTHER LINE OF BOUNDARY DESIGNED TO RESTRICT ACCESS TO THE AREA.

SEC. 22-10. RESISTING A POLICE OFFICER.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO HINDER, OPPOSE, OBSTRUCT, OR RESIST ANY POLICE OFFICER OR ANY OTHER OFFICER, AGENT, OFFICIAL, OR EMPLOYEE OF THE CITY PERFORMING LAW ENFORCEMENT DUTIES AS SUCH, OR AID OR ABET ANY PERSON DOING THE SAME.

SEC. 22-11. IMPERSONATING A PUBLIC OFFICIAL.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO IMPERSONATE, ATTEMPT TO IMPERSONATE, FALSELY PRETEND TO BE, OR HOLD ONESELF OUT TO BE A POLICE OFFICER OR OTHER OFFICIAL OR EMPLOYEE OF THE CITY, ANY PUBLIC UTILITY OR ANY OTHER GOVERNMENTAL BODY WITHOUT DUE AUTHORITY OR AID ANOTHER PERSON IN DOING THE SAME.

SEC. 22-12. BREACH OF THE PEACE OFFENSES. NO PERSON SHALL:

(A) CREATE OR ENGAGE IN ANY DISTURBANCE OR FIGHT IN A PUBLIC PLACE.

(B) DISTURB THE PUBLIC PEACE AND QUIET BY LOUD OR BOISTEROUS CONDUCT.

(C) DISTURB WITHOUT LAWFUL AUTHORITY ANY PUBLIC ASSEMBLY OR MEETING OF PERSONS.

(D) INCITE, ENGAGE IN, PARTICIPATE IN,

OR ATTEMPT TO INCITE A RIOT OR DISTURBANCE.

(E) UTTER PROFANE, OBSCENE OR OFFENSIVE LANGUAGE DIRECTED AT OR IN THE PRESENCE OF ANOTHER PERSON, WHICH LANGUAGE CAUSES OR WOULD TEND TO CAUSE AN IMMEDIATE BREACH OF THE PEACE.

SEC. 22-13. REGULATION OF NON-INDUSTRIAL NOISE AND NOISE PRODUCING ACTIVITIES.

(A) IT IS FOUND AND DECLARED THAT: THE MAKING AND CREATION OF EXCESSIVE, UNNECESSARY OR UNUSUALLY LOUD NOISES WITHIN THE LIMITS OF THE CITY OF LANSING IS A CONDITION WHICH HAS EXISTED FOR SOME TIME AND THE EXTENT AND VOLUME OF SUCH NOISE IS INCREASING.

THE MAKING, CREATION OR MAINTENANCE OF SUCH EXCESSIVE UNNECESSARY, UNNATURAL OR UNUSUALLY LOUD NOISES WHICH ARE PROLONGED, UNUSUAL AND UNNATURAL IN THEIR TIME, PLACE AND USE AFFECT AND ARE A DETRIMENT TO PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE AND PROSPERITY OF THE RESIDENTS OF THE CITY OF LANSING.

THE NECESSITY IN THE PUBLIC INTEREST FOR THE PROVISIONS AND PROHIBITIONS HEREINAFTER CONTAINED AND ENACTED, IS DECLARED AS A MATTER OF LEGISLATIVE DETERMINATION AND PUBLIC POLICY, AND IT IS FURTHER DECLARED THAT THE PROVISIONS AND PROHIBITIONS HEREINAFTER CONTAINED AND ENACTED ARE IN PURSUANCE OF AND FOR THE PURPOSE OF SECURING AND PROMOTING THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE AND PROSPERITY AND THE PEACE AND QUIET OF THE CITY OF LANSING AND ITS INHABITANTS.

(B) SCOPE. THIS SECTION SHALL APPLY TO THE CONTROL OF ALL SOUND ORIGINATING FROM NON-INDUSTRIAL PROPERTY WITHIN THE LIMITS OF THE CITY OF LANSING. THIS ORDINANCE SHALL NOT AND IS NOT INTENDED TO EXCLUDE INDUSTRIAL PROPERTY OR OPERATIONS FROM THE APPLICATION OF ANY OTHER ORDINANCES OF THE CITY OF LANSING.

(C) DEFINITIONS. ALL TERMINOLOGY USED IN THIS ORDINANCE, NOT DEFINED BELOW, SHALL BE IN CONFORMANCE WITH APPLICABLE PUBLICATIONS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (A.N.S.I.) OR ITS SUCCESSOR BODY.

(1) "A-WEIGHTED SOUND LEVEL" MEANS THE SOUND PRESSURE LEVEL IN DECIBELS AS MEASURED ON A SOUND LEVEL METER USING THE A-WEIGHTING NETWORK. THE LEVEL SO READ IS DESIGNATED dBA.

(2) "CONSTRUCTION" MEANS ANY SITE PREPARATION, ASSEMBLY, ERECTION, SUBSTANTIAL REPAIR, ALTERATION OR SIMILAR ACTION, BUT EXCLUDING DEMOLITION FOR OR OF PUBLIC RIGHT-OF-WAY, STRUCTURES, UTILITIES OR SIMILAR PROPERTY.

(3) "DECIBEL (dB)" MEANS A UNIT FOR MEASURING THE VOLUME OF A SOUND, EQUAL TO 20 TIMES THE LOGARITHM TO THE BASE 10 OF THE RATIO OF THE PRESSURE OF THE SOUND MEASURED TO THE REFERENCE PRESSURE, WHICH IS 20 MICROPASCALS.

(4) "DEMOLITION" MEANS ANY DISMANTLING, INTENTIONAL DESTRUCTION OR REMOVAL OF STRUCTURES, UTILITIES, PUBLIC OR PRIVATE RIGHT-OF-WAY SURFACES, OR SIMILAR PROPERTY.

(5) "EMERGENCY" MEANS ANY OCCURRENCE OR SET OF CIRCUMSTANCES INVOLVING ACTUAL OR IMMINENT PHYSICAL TRAUMA OR PROPERTY DAMAGE WHICH DEMANDS IMMEDIATE ATTENTION.

(6) "EMERGENCY WORK" MEANS ANY WORK PERFORMED FOR THE PURPOSE OF PREVENTING OR ALLEVIATING THE PHYSICAL TRAUMA OF PROPERTY DAMAGE THREATENED OR CAUSED BY AN EMERGENCY.

(7) "GROSS VEHICLE WEIGHT RATING (GVWR)" MEANS THE VALUE SPECIFIED BY THE MANUFACTURER AS THE RECOMMENDED MAXIMUM LOADED WEIGHT OF A SINGLE MOTOR VEHICLE. IN CASES WHERE TRAILERS AND TRACTORS ARE SEPARABLE, THE GROSS COMBINATION WEIGHT RATING (GCWR) WHICH IS THE VALUE SPECIFIED BY THE MANUFACTURER AS THE RECOMMENDED MAXIMUM LOADED WEIGHT OF THE COMBINATION VEHICLE, SHALL BE USED.

(8) "INDUSTRIAL PROPERTY" MEANS LAND, LAND IMPROVEMENTS, BUILDINGS STRUCTURES AND OTHER REAL PROPERTY AND MACHINERY, EQUIPMENT AND FIXTURES OR ANY PART THEREOF WHETHER COMPLETED OR IN THE PROCESS OF CONSTRUCTION COMPRISING AN INTEGRATED WHOLE, THE PRIMARY PURPOSE AND USE OF WHICH IS THE MANUFACTURE OF GOODS OR MATERIALS OR THE PROCESSING OF GOODS AND MATERIALS BY PHYSICAL OR CHEMICAL CHANGE AND SHALL INCLUDE AGRICULTURAL PROCESSING FACILITIES. INDUSTRIAL PROPERTY SHALL INCLUDE FACILITIES RELATED TO THE MANUFACTURING OPERATION AND UNDER THE SAME OWNERSHIP OR CONTROL PROVIDED SUCH PROPERTY IS CONTIGUOUS TO THE MANUFACTURING OPERATION. SUCH PROPERTY SHALL INCLUDE, BUT NOT BE LIMITED TO OFFICE, ENGINEERING RESEARCH AND DEVELOPMENT, WAREHOUSING OR PARTS DISTRIBUTION FACILITIES.

(9) "MANUFACTURE OF GOODS OR MATERIALS" OR "PROCESSING OF GOODS OR MATERIALS" MEANS ANY TYPE OF OPERATION THAT WOULD BE CONTROLLED BY AN

ENTITY INCLUDED IN THE CLASSIFICATIONS PROVIDED BY DIVISION D, MANUFACTURING, OF THE STANDARD CLASSIFICATION MANUAL OF 1972, PUBLISHED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, REGARDLESS OF WHETHER THE ENTITY CONDUCTING SUCH AN OPERATION IS INCLUDED THEREIN.

(10) "MOTOR CARRIER VEHICLE ENGAGED" MEANS ANY VEHICLE FOR WHICH REGULATIONS APPLY PURSUANT TO SECTION 18 OF THE FEDERAL NOISE CONTROL ACT OF 1972 (P.L. 92-574), AS AMENDED, PERTAINING TO MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE.

(11) "MOTOR VEHICLE" MEANS ANY VEHICLE WHICH IS PROPELLED OR DRAWN ON LAND BY A MOTOR, SUCH AS, BUT NOT LIMITED TO, PASSENGER CARS, TRUCKS, TRUCK-TRAILERS, CAMPERS, GO-CARTS, SNOWMOBILES, AMPHIBIOUS CRAFT ON LAND, DUNE BUGGIES, ALL TERRAIN VEHICLES, OR RACING VEHICLES, BUT NOT INCLUDING MOTORCYCLES.

(12) "MOTORCYCLE" MEANS AN UNENCLOSED MOTOR VEHICLE HAVING A SADDLE OR SEAT FOR THE USE OF THE OPERATOR AND TWO OR THREE WHEELS IN CONTACT WITH THE GROUND, INCLUDING, BUT NOT LIMITED TO, MOTOR SCOOTERS AND MINIBIKES AND MOTOR PROPELLED BICYCLES.

(13) "MUFFLER OR SOUND DISSIPATIVE DEVICE" MEANS A DEVICE FOR ABATING THE SOUND OF ESCAPING GASES OF AN INTERNAL COMBUSTION ENGINE.

(14) "NOISE" MEANS ANY SOUND WHICH ANNOYS OR DISTURBS HUMANS OR WHICH CAUSES OR TENDS TO CAUSE AN ADVERSE PSYCHOLOGICAL OR PHYSIOLOGICAL EFFECT ON HUMANS.

(15) "NOISE DISTURBANCE" MEANS ANY SOUND WHICH (a) ENDANGERS OR INJURES THE SAFETY OR HEALTH OF HUMANS OR ANIMALS, OR (b) ANNOYS OR DISTURBS A REASONABLE PERSON OF NORMAL SENSITIVITIES, OR (c) ENDANGERS OR INJURES PERSONAL OR REAL PROPERTY.

(16) "NOISE SENSITIVE ZONE" MEANS ANY AREA WHERE A SCHOOL, HOSPITAL, HOUSE OF WORSHIP, DAYCARE CENTER, NURSING HOME, PUBLIC LIBRARY, SENIOR CITIZEN CENTER, RESIDENCE OR COURT IS LOCATED; AN AREA OF POTENTIAL NOISE DISTURBANCE.

(17) "PERSON" MEANS ANY INDIVIDUAL, ASSOCIATION, PARTNERSHIP, OR CORPORATION, AND INCLUDES ANY OFFICER, EMPLOYEE, DEPARTMENT, AGENCY OR INSTRUMENTALITY OF A STATE OR ANY POLITICAL SUBDIVISION OF A STATE.

(18) "PUBLIC RIGHT-OF-WAY" MEANS ANY STREET, AVENUE, BOULEVARD,

HIGHWAY, SIDEWALK, PATH OR ALLEY OR SIMILAR PLACE WHICH IS OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY.

(19) "PUBLIC SPACE" MEANS ANY REAL PROPERTY OR STRUCTURES THEREON WHICH ARE OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY.

(20) "REAL PROPERTY" MEANS AN IMAGINARY LINE ALONG THE GROUND SURFACE, AND ITS VERTICAL EXTENSION, WHICH SEPARATES THE REAL PROPERTY OWNED BY ONE PERSON FROM THAT OWNED BY ANOTHER PERSON, BUT NOT INCLUDING INTRA-BUILDING REAL PROPERTY DIVISIONS.

(21) "RECREATIONAL MOTOR VEHICLE" MEANS ANY MOTOR VEHICLE OR MOTORCYCLE AS DEFINED HEREIN WHICH IS INTENDED FOR RECREATIONAL USE OR WHICH IS BEING USED FOR RECREATIONAL PURPOSES EXCEPT SNOWMOBILES. RECREATIONAL PURPOSE SHALL INCLUDE UTILIZATION OF SUCH A MOTOR VEHICLE OR MOTORCYCLE IN COMPETITIVE EVENTS EVEN IF ENGAGED IN PROFESSIONALLY OR FOR COMPENSATION.

(22) "RESIDENTIAL AREA" MEANS ANY AREA DESIGNATED AS A-A OR A-1 ONE FAMILY RESIDENTIAL, B RESIDENTIAL, C TWO FAMILY, D-M OR D-M1 MULTIPLE DWELLING, OR D APARTMENT PURSUANT TO THE PROVISIONS OF THE ZONING ORDINANCES OF THE CITY OF LANSING OR UPON ANY PLAN OR DISTRICT MAP PROMULGATED THEREUNDER.

(23) "RMS SOUND PRESSURE" MEANS THE SQUARE ROOT OF THE TIME AVERAGED SQUARE OF THE SOUND PRESSURE DENOTED PRMS.

(24) "SOUND" MEANS AN OSCILLATION IN PRESSURE, PARTICLE DISPLACEMENT, PARTICLE VELOCITY OR OTHER PHYSICAL PARAMETER, IN A MEDIUM WITH INTERNAL FORCES THAT CAUSES COMPRESSION AND RAREFACTION OF THAT MEDIUM. THE DESCRIPTION OF SOUND MAY INCLUDE ANY CHARACTERISTIC OF SUCH SOUND, INCLUDING DURATION, INTENSITY AND FREQUENCY.

(25) "SOUND LEVEL" MEANS THE WEIGHTED SOUND PRESSURE LEVEL OBTAINED BY THE USE OF A SOUND LEVEL METER AND FREQUENCY WEIGHTING NETWORK, SUCH AS A, B, OR C AS SPECIFIED IN AMERICAN NATIONAL STANDARDS INSTITUTE SPECIFICATIONS FOR SOUND LEVEL METERS (ANSI S1.4-1971, OR THE LATEST APPROVED REVISION THEREOF). IF THE FREQUENCY WEIGHTING EMPLOYED IS NOT INDICATED, THE A-WEIGHTING SHALL APPLY.

(26) "SOUND LEVEL METER" MEANS AN INSTRUMENT WHICH INCLUDES A MICROPHONE, AMPLIFIER, RMS DETECTOR, INTEGRATOR OR TIME AVERAGE, OUTPUT

METER, AND WEIGHTING NETWORKS USED TO MEASURE SOUND PRESSURE LEVELS.

(27) "SOUND PRESSURE" MEANS THE INSTANTANEOUS DIFFERENCE BETWEEN THE ACTUAL PRESSURE AND THE AVERAGE BAROMETRIC PRESSURE AT A GIVEN POINT IN SPACE, AS PRODUCED BY SOUND ENERGY.

(28) "SOUND PRESSURE LEVEL" MEANS 20 TIMES THE LOGARITHM TO THE BASE 10 OF THE RATIO OF THE RMS SOUND PRESSURE TO THE REFERENCE PRESSURE OF 20 MICRO-PASCALS. THE SOUND PRESSURE LEVEL IS DENOTED L_p OR SPL AND IS EXPRESSED IN DECIBELS.

(29) "WEEKDAY" MEANS ANY DAY MONDAY THROUGH FRIDAY WHICH IS NOT A LEGAL HOLIDAY.

(D) DUTIES AND RESPONSIBILITIES OF DEPARTMENTS. ALL DEPARTMENTS AND AGENCIES OF THE CITY OF LANSING SHALL, TO THE FULLEST EXTENT CONSISTENT WITH OTHER LAW, CARRY OUT THEIR PROGRAMS IN SUCH A MANNER AS TO FURTHER THE POLICY OF THIS ORDINANCE.

IN CASE OF MOTOR VEHICLE ENFORCEMENT, THE POLICE DEPARTMENT SHALL BE THE PRIMARY ENFORCEMENT AGENCY.

(E) MOTOR VEHICLE MAXIMUM SOUND LEVELS. MOTOR VEHICLES AND MOTORCYCLES ON PUBLIC RIGHTS-OF-WAY. NO PERSON SHALL OPERATE OR CAUSE TO BE OPERATED A PUBLIC OR PRIVATE MOTOR VEHICLE ON A PUBLIC RIGHT-OF-WAY AT ANY TIME IN SUCH A MANNER THAT THE SOUND LEVEL EMITTED BY THE MOTOR VEHICLE OR MOTORCYCLE EXCEEDS THE LEVEL SET FORTH IN TABLE II.

STANDING MOTOR VEHICLES. NO PERSON SHALL OPERATE OR PERMIT THE OPERATION OF ANY MOTOR VEHICLE, MOTORCYCLE OR ANY AUXILIARY EQUIPMENT ATTACHED TO SUCH A VEHICLE, FOR A PERIOD LONGER THAN FIVE (5) MINUTES IN ANY HOUR WHILE THE VEHICLE IS STATIONARY, FOR REASONS OTHER THAN TRAFFIC CONGESTION, ON A PUBLIC RIGHT-OF-WAY OR PUBLIC SPACE WITHIN 150 FEET (46 METERS) OF A RESIDENTIAL AREA OR DESIGNATED NOISE SENSITIVE ZONE, BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M. THE FOLLOWING DAY.

RECREATIONAL MOTORIZED VEHICLES OPERATING OFF PUBLIC RIGHTS OF WAY.

(1) EXCEPT AS PERMITTED IN SUB-PART (2) OF THIS SUBSECTION NO PERSON SHALL OPERATE OR CAUSE TO BE OPERATED ANY RECREATIONAL MOTOR VEHICLE OR MOTORCYCLE OFF A PUBLIC RIGHT-OF-WAY IN SUCH A MANNER THAN THE SOUND LEVEL EMITTED THEREFROM EXCEEDS THE LIMITS SET FORTH IN TABLE III AT A DISTANCE OF 50 FEET (15 METERS) OR MORE FROM THE PATH OF THE VEHICLE WHEN OPERATED IN A PUBLIC SPACE OR AT OR

TABLE II. MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS (MEASURED AT 50 FEET OR 15 METERS)

	Sound Level in dBA		
	Speed Limit 35 MPH or less	Speed Limit over 35 MPH	Stationary run-up
Motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 8,500 lbs. or more	86	90	88
All other motor vehicles of GVWR or GCWR of 8,500 lbs. or more	86	90	—
Any motorcycle	82	86	—
Any other motor vehicle or any combination of vehicles towed	76	82	—

ACROSS THE BOUNDARY OF PRIVATE PROPERTY WHEN OPERATED ON PRIVATE PROPERTY. THIS SECTION SHALL APPLY TO ALL RECREATIONAL MOTORIZED VEHICLES WHETHER OR NOT DULY LICENSED AND REGISTERED.

(2) PERMITS FOR MOTOR VEHICLES RACING EVENTS MAY BE OBTAINED FROM THE CITY OF LANSING ACCORDING TO PROCEDURES AND CRITERIA SET FORTH IN SUBSECTION (J) OR (K).

TABLE III. RECREATIONAL MOTORIZED VEHICLE SOUND LIMITS (MEASURED AT 50 FEET OR 15 METERS)

Vehicle Type	Sound Level, dBA
Motorcycle	Unit Mfg, before 1975 86 dBA Unit Mfg, after 1975 84 dBA
Any other vehicle	Unit Mfg, before 1975 86 dBA Unit Mfg, after 1975 80 dBA

(F) RAILROAD OPERATIONAL SOUND LEVELS. NO PERSON SHALL OPERATE OR PERMIT TO BE OPERATED, ANY RAILROAD LOCOMOTIVE, CARS, ANY OTHER ROLLING STOCK OR EQUIPMENT, SO AS TO CAUSE A VIOLATION OF THE ALLOWABLE SOUND LEVELS ADOPTED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, UNDER THE NOISE CONTROL ACT OF 1972 42 USC SECTION 4901 TO 4918.

(G) PROHIBITED ACTS. NO PERSON SHALL MAKE, CONTINUE OR CAUSE OR PERMIT TO BE MADE VERBALLY OR MECHANICALLY ANY UNNECESSARY NOISE DISTURBANCE. NONCOMMERCIAL PUBLIC SPEAKING AND PUBLIC ASSEMBLY ACTIVITIES CONDUCTED ON ANY PUBLIC SPACE OR PUBLIC RIGHT-OF-WAY SHALL BE EXEMPT FROM THE OPERATION OF THIS SECTION, EXCEPT AS OTHERWISE PROVIDED HEREIN.

THE FOLLOWING ACTS, AND THE CAUSING THEREOF, ARE DECLARED TO BE VIOLATION OF THIS SECTION:

(1) SOUND PRODUCTION AND REPRODUCTION SYSTEMS. THE PLAYING, USING, OPERATING, OR PERMITTING TO BE

PLAYED, USED OR OPERATED ANY TELEVISION OR RADIO RECEIVING TELEVISION OR RADIO RECEIVING SET, MUSICAL INSTRUMENT, PHONOGRAPH OR OTHER MACHINE OR DEVICE FOR PRODUCING, REPRODUCING OR THE AMPLIFYING OF SOUND IN SUCH A MANNER AS TO CREATE A NOISE DISTURBANCE OR AT ANY TIME WITH LOUDER VOLUME THAN IS NECESSARY FOR CONVENIENT HEARING FOR THE PERSON OR PERSONS WHO ARE IN THE ROOM, CHAMBER, VEHICLE OR OTHER PLACE IN WHICH SUCH AN INSTRUMENT, MACHINE, SET OR DEVICE IS OPERATED AND WHO ARE VOLUNTARY LISTENERS THERETO. THE OPERATION OF ANY SUCH TELEVISION OR RADIO RECEIVING SET, INSTRUMENT, PHONOGRAPH MACHINE OR DEVICE BETWEEN THE HOURS OF ELEVEN (11) O'CLOCK P.M. AND SEVEN (7) O'CLOCK A.M. IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF FIFTY (50) FEET FROM THE BUILDING, STRUCTURE, VEHICLE OR OTHER PLACE IN WHICH IT IS LOCATED SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS SECTION. THIS SUBSECTION SHALL NOT APPLY TO NON-COMMERCIAL SPEECH.

(2) LOUDSPEAKERS/PUBLIC ADDRESS SYSTEMS.

(a) USING OR OPERATING FOR ANY NON-COMMERCIAL PURPOSE OF ANY LOUDSPEAKER, PUBLIC ADDRESS SYSTEM, MUSICAL INSTRUMENT OR SIMILAR DEVICE BETWEEN THE HOURS OF 10:00 P.M. AND 8:00 A.M. THE FOLLOWING DAY, SUCH THAT THE SOUND THEREFROM CREATES A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY.

(b) USING OR OPERATING FOR ANY COMMERCIAL PURPOSE OF ANY LOUDSPEAKER, PUBLIC ADDRESS SYSTEM OR SIMILAR DEVICE SO AS TO BE AUDIBLE IN RESIDENTIAL AREAS OR A NOISE SENSITIVE ZONE.

(3) STREET SALES. OFFERING FOR SALE OR SELLING ANYTHING BY SHOUTING OR OUTCRY WITHIN ANY RESIDENTIAL AREA OF THE CITY EXCEPT IN CONNECTION WITH AUCTION SALES.

(4) ANIMALS AND BIRDS. OWNING, POSSESSING OR HARBORING ANY BIRD OR ANY OTHER ANIMAL WHICH FREQUENTLY OR FOR CONTINUED DURATION, MAKES SOUNDS WHICH CREATE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR WITHIN A NOISE SENSITIVE ZONE.

(5) LOADING AND UNLOADING. LOADING, UNLOADING, OPENING, CLOSING OR OTHER HANDLING OF BOXES, CRATES, CONTAINERS, BUILDING MATERIALS, OR SIMILAR OBJECTS BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. THE FOLLOWING DAY IN SUCH A MANNER AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR WITHIN A NOISE SENSITIVE ZONE.

(6) MOTOR VEHICLE REPAIRS AND TESTING. REPAIRING, REBUILDING, MODIFYING, OR TESTING ANY MOTOR VEHICLE, OR MOTORCYCLE, OR MOTORBOAT IN SUCH A MANNER AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY.

(7) CONSTRUCTION. OPERATING OR PERMITTING THE OPERATION OF ANY TOOLS OR EQUIPMENT USED IN CONSTRUCTION, DRILLING, OR DEMOLITION WORK BETWEEN THE HOURS OF 8:00 P.M. AND 7:00 A.M. THE FOLLOWING DAY ON WEEKDAYS OR AT ANY TIME ON WEEKENDS OR HOLIDAYS, SUCH THAT THE SOUND THEREFROM CREATES A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY OR WITHIN A NOISE SENSITIVE ZONE, EXCEPT FOR EMERGENCY WORK OF PUBLIC SERVICE UTILITIES OR BY TEMPORARY OR SPECIAL PERMIT ISSUED PURSUANT TO SUBSECTION (J) OR (K).

(8) PLACES OF PUBLIC ENTERTAINMENT. OPERATING, PLAYING OR PERMITTING THE OPERATION OR PLAYING OF ANY RADIO, TELEVISION, PHONOGRAPH, DRUM, MUSICAL INSTRUMENT, SOUND AMPLIFIER, OR SIMILAR DEVICE WHICH PRODUCES, REPRODUCES OR AMPLIFIES SOUND IN ANY PLACE OF PUBLIC ENTERTAINMENT AS TO PRODUCE A MAXIMUM SOUND LEVEL OF 55 dBA ON A RESIDENTIAL REAL PROPERTY BOUNDARY.

(9) DOMESTIC POWER TOOLS. OPERATING OR PERMITTING THE OPERATION OF ANY MECHANICALLY POWERED SAW, DRILL, SANDER, GRINDER, LAWN OR GARDEN TOOL OR SIMILAR DEVICE USED IN RESIDENTIAL AREAS BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M. THE FOLLOWING DAY SO AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY.

(10) BURGLAR ALARMS. SOUNDING OR PERMITTING THE SOUNDING OF ANY BURGLAR ALARM OR OTHER ALARM OR SAFETY OR WARNING DEVICE ON ANY BUILDING OR MOTOR VEHICLE UNLESS SUCH BURGLAR ALARM SHALL TERMINATE

ITS OPERATION WITHIN 15 MINUTES OF ITS BEING ACTIVATED. ANY VEHICLE UPON WHICH A BURGLAR ALARM HAS BEEN INSTALLED SHALL PROMINENTLY DISPLAY THE TELEPHONE NUMBER AT WHICH COMMUNICATION MAY BE MADE WITH THE OWNER OF SUCH MOTOR VEHICLE. ALL BURGLAR ALARMS WHICH EMIT A SOUND WHICH IS CLEARLY AUDIBLE AT ANY RESIDENTIAL PROPERTY LINE SHALL BE EQUIPPED AND REQUIRED TO AUTOMATICALLY SHUT OFF THE SOUND NO LATER THAN 15 MINUTES AFTER IT HAS BEGUN.

(11) AIR CONDITIONING AND AIR HANDLING DEVICES. THE OPERATION OF AIR CONDITIONING, AIR HANDLING DEVICES, REFRIGERATION DEVICES OR OTHER COMPRESSORS CAUSING A CONTINUOUS SOUND LEVEL IN EXCESS OF 55 dBA MEASURED AT ANY PROPERTY LINE IN RESIDENTIAL AREAS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF THE SOUND FROM THE AIR CONDITIONER OF AIR HANDLING DEVICE PRODUCES LESS THAN A 3 dBA INCREASE IN THE SOUND LEVEL THAT EXISTS IN THE ABSENCE OF SUCH SOUND.

(H) EXCEPTIONS. THE FOLLOWING ACTIVITIES AND USES SHALL BE EXEMPT FROM THE NOISE LEVEL REGULATIONS ESTABLISHED BY THIS CHAPTER:

(1) NOISES OF PUBLIC OR GOVERNMENTAL SAFETY SIGNALS, WARNING DEVICES AND EMERGENCY RELIEF VALVES WHEN USED AS INTENDED FOR WARNINGS IN CASE OF EMERGENCY OR DANGER OR WHEN TESTED AND ALSO OF ALL FIRE ALARMS.

(2) NOISES RESULTING FROM ANY AUTHORIZED POLICE, FIRE OR EMERGENCY VEHICLE WHEN RESPONDING TO AN EMERGENCY CALL OR ACTING IN TIME OF EMERGENCY.

(3) NOISES RESULTING FROM EMERGENCY WORK. EMERGENCY WORK SHALL BE WORK WHICH IS NECESSARY TO RESTORE PROPERTY TO A SAFE CONDITION FOLLOWING A PUBLIC CALAMITY OR ACCIDENT OR WORK REQUIRED TO PROTECT PERSONS OR PROPERTY FROM AN IMMINENT EXPOSURE TO DANGER.

(4) ANY NOISE RESULTING FROM ACTIVITIES OF A TEMPORARY DURATION, PERMITTED BY LAW AND FOR WHICH A TEMPORARY OR SPECIAL PERMIT HAS BEEN GRANTED IN ACCORDANCE WITH SUBSECTION (J) OR (K) OF THIS ORDINANCE.

(5) ANY AIRCRAFT OPERATED IN CONFORMITY WITH OR PURSUANT TO FEDERAL LAW, FEDERAL AIR REGULATIONS, AND AIR TRAFFIC CONTROL INSTRUCTION USED PURSUANT TO AND WITHIN THE DULY ADOPTED FEDERAL AIR REGULATIONS.

(6) NOISE FROM CHURCH BELLS OR CHIMES OR FROM CHURCHES EXCEPT DURING THE HOURS BETWEEN 12:00 A.M. AND 6:00 A.M.

(7) NOISE FROM CONSTRUCTION ACTIVITY EXCEPT SUCH NOISE AS IS SPECIFICALLY PROHIBITED BY THIS ORDINANCE.

(8) NOISE RESULTING FROM THE REPAIR OF PUBLIC UTILITIES.

(9) NOISE RESULTING FROM THE OPERATION OF SNOW REMOVAL EQUIPMENT WHEN BEING USED FOR OR IN CONNECTION WITH SNOW REMOVAL. (I) LIMITATION OF RESPONSIBILITY. THE CITY SHALL NOT ENFORCE ANY NOISE REGULATIONS WITHIN THE JURISDICTION OF THE MICHIGAN AND FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT.

(J) MAYOR—AUTHORITY TO GRANT TEMPORARY PERMIT, REVOCATION.

(I) UPON APPLICATION OF A NON-PROFIT ORGANIZATION, THE MAYOR OR HIS DESIGNEE MAY ISSUE A PERMIT FOR RELIEF OF ANY OF THE RESTRICTONS OF THIS ORDINANCE. SUCH A PERMIT SHALL NOT BE EFFECTIVE FOR MORE THAN THREE (3) DAYS AND SHALL NOT BE RENEWED MORE THAN THREE (3) TIMES. SUCH A PERMIT SHALL ONLY BE GRANTED IF IT SATISFIES REQUIREMENTS (a) OR (b) AND (c) AND (d) AS SET FORTH IN SUBSECTION (K).

(2) ANY PERMIT GRANTED PURSUANT TO THESE PROVISIONS MAY BE SUBJECT TO AND PRESCRIBE ANY CONDITIONS, LIMITATIONS, OR REQUIREMENTS WHICH THE MAYOR OR HIS DESIGNEE DEEMS NECESSARY TO MINIMIZE ADVERSE EFFECTS UPON THE COMMUNITY, PERSONS WITHIN THE COMMUNITY OR THE SURROUNDING NEIGHBORHOOD.

(3) ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL CONTAIN ALL CONDITIONS UPON WHICH THE PERMIT HAS BEEN GRANTED AND SHALL SPECIFY THE PERIOD OF TIME THAT THE PERMIT IS IN EFFECT.

(4) ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL BE REVOKED IN THE EVENT THE CONDITIONS TO WHICH IT IS SUBJECT ARE VIOLATED OR IF THE CONDITIONS SET FORTH IN PARTS (a), (b), (c), AND (d) OF SUBSECTION (K) ARE NO LONGER SATISFIED.

(K) CITY COUNCIL; AUTHORITY TO GRANT SPECIAL PERMITS, REVOCATION, APPEAL.

(I) FOLLOWING A PUBLIC HEARING AT A REGULARLY SCHEDULED CITY COUNCIL MEETING, AND UPON RECOMMENDATION OF THE MAYOR AND APPROVAL BY AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE CITY COUNCIL, A PERMIT FOR RELIEF FROM ANY OF THE RESTRICTIONS OR NOISE LEVEL REQUIREMENTS OF THIS ORDINANCE MAY BE GRANTED. APPLICATIONS FOR A PERMIT FOR SUCH RELIEF MAY BE MADE TO THE MAYOR OR HIS OR HER DESIGNATED REPRESENTATIVE. SUCH A PERMIT FOR RELIEF MAY BE GRANTED IF IT IS FOUND:

(a) THAT ADDITIONAL TIME IS NECESSARY FOR THE APPLICANT TO ALTER OR MODIFY ITS OPERATION TO COMPLY WITH THE ORDINANCE, OR

(b) THAT THE ACTIVITY, OPERATION OR NOISE SOURCE WILL BE OF TEMPORARY DURATION, AND CAN NOT BE DONE IN A MANNER THAT WOULD COMPLY WITH THE OTHER REQUIREMENTS OF THIS ORDINANCE; AND

(c) THAT NO REASONABLE ALTERNATIVE IS AVAILABLE TO THE APPLICANT; AND

(d) THAT THE NOISE CREATED WILL NOT UNREASONABLY DAMAGE OR ENDANGER THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC.

(e) RESIDENTS LIVING WITHIN THREE HUNDRED (300) FEET OF THE REAL PROPERTY BOUNDARY LINE OF THE NOISE EMITTER APPLYING FOR SUCH A PERMIT MUST BE GIVEN NOTICE OF THE APPLICATION THIRTY (30) DAYS IN ADVANCE OF THE HEARING. SUCH NOTICE SHALL BE DELIVERED BY MAIL TO ALL SUCH RESIDENTS. UNINTENTIONAL FAILURE TO NOTIFY ANY SUCH RESIDENT AS REQUIRED HEREIN SHALL NOT INVALIDATE A PERMIT ISSUED PURSUANT TO THIS SUBSECTION.

(2) ANY PERMIT GRANTED PURSUANT TO THESE PROVISIONS MAY BE SUBJECT TO AND PRESCRIBE ANY CONDITIONS, LIMITATIONS OR REQUIREMENTS WHICH THE CITY COUNCIL DEEMS NECESSARY TO MINIMIZE ADVERSE EFFECTS UPON THE COMMUNITY, PERSONS WITHIN THE COMMUNITY OR THE SURROUNDING NEIGHBORHOOD.

(3) ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL CONTAIN ALL CONDITIONS UPON WHICH THE PERMIT HAS BEEN GRANTED AND SHALL SPECIFY A REASONABLE TIME THAT THE PERMIT SHALL BE EFFECTIVE NOT TO EXCEED TWO (2) YEARS.

(4) ANY PERMIT GRANTED PURSUANT TO THIS SECTION SHALL BE REVOKED IN THE EVENT THE CONDITIONS TO WHICH IT IS SUBJECT ARE VIOLATED OR, IF ISSUED PURSUANT TO SUBSECTION (I) OF THIS SECTION, IF THE CONDITIONS SET FORTH IN PARTS (a), (b), (c) AND (d) OF SUBSECTION (I) ARE NO LONGER SATISFIED OR FULFILLED.

(5) IN THE EVENT IT IS DECIDED TO REVOKE ANY PERMIT GRANTED PURSUANT TO THIS SECTION, WRITTEN NOTICE OF REVOCATION SHALL BE SERVED UPON THE PERMITTEE OR ITS AGENT OR OFFICER PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF THE ACTIVITIES BEING CONDUCTED OR NOISE CREATED PURSUANT TO SUCH A PERMIT ENDANGERS THE PUBLIC HEALTH OR SAFETY, SUCH REVOCATION WILL BE EFFECTIVE IMMEDIATELY, OTHERWISE THE REVOCATION WILL BE EFFECTIVE TEN (10) DAYS AFTER SERVICE OF THE NOTICE OF REVOCATION.

(6) IN THE EVENT A PERMITTEE WISHES TO APPEAL THE REVOCATION OF A PERMIT ISSUED PURSUANT TO THIS SECTION, AN APPEAL MAY BE INITIATED BY FILING A WRITTEN NOTICE OF APPEAL AT THE OFFICE OF THE LANSING CITY CLERK. THE NOTICE MUST STATE SPECIFICALLY THE REASON OR REASONS AND FACTS UPON WHICH THE PERMITTEE BASES THE APPEAL. THE NOTICE OF APPEAL MUST BE FILED WITHIN TEN (10) DAYS OF THE SERVICE OF THE NOTICE OF REVOCATION OF THE PERMIT OR OF THE DENIAL OF PERMIT. IN THE EVENT SUCH A NOTICE OF APPEAL HAS BEEN FILED IN A TIMELY FASHION AND IF THE REVOCATION OF THE PERMIT WAS NOT GIVEN IMMEDIATE EFFECT BASED ON DANGER TO PUBLIC HEALTH AND SAFETY, THE REVOCATION OF THE PERMIT WILL BE SUSPENDED UNTIL SUCH TIME AS THE PERMITTEE'S APPEAL IS DECIDED OR UNTIL SUCH A TIME AS THE CITY COUNCIL FINDS THAT THE ACTIVITIES ENGAGED IN OR NOISE PRODUCED PURSUANT TO THE PERMIT ENDANGER THE HEALTH OR SAFETY OF THE PUBLIC.

(7) IN THE EVENT AN APPEAL OF THE REVOCATION OR DENIAL OF A PERMIT GRANTED PURSUANT TO THIS ORDINANCE IS MADE, THE APPELLANT SHALL BE GRANTED A HEARING BEFORE CITY COUNCIL OR SUCH PERSONS AS CITY COUNCIL, BY RESOLUTION MAY DESIGNATE. IN THE EVENT THE PERMIT INVOLVED HAS BEEN REVOKED AND SUCH REVOCATION HAS NOT BEEN SUSPENDED, THE HEARING SHALL BE CONDUCTED AND DECISION ON THE APPEAL RENDERED AS SOON AS REASONABLY POSSIBLE. AT ANY HEARING CONDUCTED PURSUANT TO THIS ORDINANCE, THE APPELLANT SHALL BE PERMITTED TO BE REPRESENTED BY COUNSEL OF CHOICE, TO PRESENT SUCH PERTINENT TESTIMONY AND OTHER PROOF AS HE OR SHE DESIRES AND TO CONFRONT ANY WITNESSES OR EVIDENCE SUBMITTED IN THE SUPPORT OF THE REVOCATION. THE DECISION ON THE APPEAL SHALL BE RENDERED IN WRITING AND A COPY OF THE DECISION IS TO BE SUPPLIED TO THE APPELLANT. IN THE APPEAL, THE APPELLANT SHALL HAVE THE BURDEN OF PROOF AS TO ALL MATTERS.

(8) FEES SHALL BE ESTABLISHED BY COUNCIL RESOLUTION FOR THE PERMITS, APPEALS OR VARIANCES GRANTED PURSUANT TO THIS SECTION. SUCH FEES SHALL REFLECT THE COSTS OF GRANTING AND INVESTIGATING SUCH PERMIT AND VARIANCE REQUEST, OR, IN THE CASE OF AN APPEAL, THE COST OF CONDUCTING THE HEARING OF THE APPEAL AND SHALL BE APPROVED BY COUNCIL.

(L) REGULATIONS. THE ADMINISTRATION MAY ESTABLISH REGULATIONS GOVERNING PERMITS, EXCEPTIONS AND APPEALS PURSUANT TO THIS SECTION. NO SUCH REGULATION SHALL BE EFFECTIVE UNTIL IT IS APPROVED AS TO FORM BY THE CITY ATTORNEY AND APPROVED BY THE COUNCIL.

(M) PENALTIES AND VIOLATIONS.

(I) VIOLATIONS OF SECTIONS 22-13 OR 22-14 SHALL BE PROSECUTED IN THE SAME MANNER AS OTHER VIOLATIONS OF THE CODE OF ORDINANCES.

(2) EACH DAY A VIOLATION OF SECTIONS 22-13 OR 22-14 IS COMMITTED OR CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE AS SUCH.

(N) OTHER REMEDIES. NO PROVISIONS OF SECTIONS 22-13 OR 22-14 SHALL BE CONSTRUED TO IMPAIR ANY COMMON LAW, STATUTORY OR OTHER CAUSE OF ACTION OR LEGAL REMEDY THEREFROM, OF ANY PERSON FOR INJURY OR DAMAGE ARISING FROM VIOLATION OF THIS ORDINANCE OR FROM ANY OTHER LAW.

SEC. 22-14. OTHER NOISE VIOLATIONS. EXCEPT AS PROVIDED IN SECTION 22-13(H) OF THIS CHAPTER, NO PERSON SHALL:

(A) MAKE, CONTINUE, OR CAUSE TO BE MADE OR CONTINUED ANY LOUD, UNNECESSARY OR UNUSUAL NOISE OR ANY NOISE WHICH EITHER ANNOYS, DISTURBS, INJURES OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF OTHERS, WITHIN THE LIMITS OF THE CITY.

(B) DISCHARGE THE EXHAUST OF ANY STEAM ENGINE, STATIONARY INTERNAL-COMBUSTION ENGINE, MOTOR BOAT, OR MOTOR VEHICLE INTO THE OPEN AIR EXCEPT THROUGH A MUFFLER OR OTHER DEVICE WHICH WILL EFFECTIVELY PREVENT LOUD OR EXPLOSIVE NOISES.

(C) USE ANY DRUM, LOUDSPEAKER, OR OTHER INSTRUMENT OR DEVICE FOR THE PURPOSE OF ATTRACTING ATTENTION BY CREATION OF NOISE TO ANY PERFORMANCE, SHOW OR SALE OR DISPLAY OF MERCHANDISE.

(D) KNOWINGLY PERMIT A MINOR UNDER HIS OR HER GUARDIANSHIP, CUSTODY OR CONTROL TO VIOLATE ANY NOISE REGULATION CONTAINED IN THIS CHAPTER.

SEC. 22-15. PREMISES OFFENSES. NO PERSON SHALL:

(A) PERMIT OR ALLOW ANY PREMISES OWNED, OCCUPIED OR CONTROLLED BY HIM OR HER TO BE USED OR OCCUPIED BY PERSONS ENGAGED IN ANY ACT OF ILLEGAL GAMBLING OR ANY ILLEGAL SALE OF INTOXICATING LIQUOR.

(B) PERMIT OR ALLOW ANY FIGHT OR DISTURBANCE ON ANY PREMISES OWNED, OCCUPIED OR CONTROLLED BY HIM OR HER.

(C) PERMIT OR ALLOW THE PARKING OR PLACING OF MOTOR VEHICLES, TRAILERS, AND/OR WATERCRAFT ON PREMISES OWNED, OCCUPIED OR CONTROLLED BY HIM OR HER WHICH VIOLATES THE FRONT YARD PARKING CHAPTER OF THIS CODE.

(D) EXCEPT AS OTHERWISE PROVIDED IN CHAPTER 16A OF THIS CODE, IT SHALL BE UNLAWFUL FOR ANY PERSON TO CAST, PLACE, SWEEP, OR DEPOSIT IN ANY MANNER WHATSOEVER, OR TO ALLOW TO ACCUMULATE, IN OR UPON ANY STREET, SIDEWALK, ALLEY, PARK, PUBLIC PLACE, DRAIN, SEWER, GUTTER OR RECEIVING BASIN IN THE CITY, OR UPON ANY PRIVATE PREMISES ANY PAPER, PASTEBOARD, STRAW, EXCELSIOR, SHAVINGS, CHIPS, SAWDUST, WOOD, ROPE, TWINE, WOOL, COTTON, FLAX, HEMP, JUTE, RUBBER, LEATHER, ASHES, CINDERS, SOOT, CHARCOAL, COAL, SLAG, DUST, EARTH, SAND, CLAY, MUD, GRAVEL, LIME, SHELLS, MORTAR, PLASTER, TAR, HAY, GRASS, LEAVES, WEEDS, GRAIN, SALT, HAIR, FEATHERS, MOSS, SHUCKS, BARK, BRICK, STONE, WIRE, NAILS, TACKS, IRON, TIN, BRASS, COPPER, GLASS OR POTTERY OR ANY KIND OF GARBAGE, REFUSE OR OFFAL, WHETHER ANIMAL OR VEGETABLE; OR IN ANY SLOPS, SUDS, SWILL, BRINE, RINSING, DISHWATER, URINE, DIRTY, FOUL, BLOODY, OR ILL-SMELLING LIQUID OR ANY EXCREMENT, MANURE CARRION, DEAD FISH, FOWL OR ANIMAL, OR ANY FRUIT, VEGETABLE, OR ANY PORTION THEREOF; OR ANY KIND OF DIRT, RUBBISH, WASTE ARTICLE, HOUSEHOLD FURNITURE, UTENSILS, OR APPLIANCES OR ANY OF THE PARTS THEREOF; OR TWO (2) OR MORE MOTOR VEHICLES WHICH ARE EITHER CURRENTLY UNLICENSED, LACK ANY OF THE TIRES OR WHEELS FOR WHICH THE VEHICLES WERE DESIGNED OR WHICH ARE INCAPABLE OF BEING MOVED UNDER THEIR OWN POWER OR ANY PARTS OF MOTOR VEHICLES, OR ANY THING OR SUBSTANCE WHATSOEVER, WHETHER OF THE SAME NATURE AS THE ARTICLES, THINGS, OR SUBSTANCES HEREIN SPECIFICALLY MENTIONED OR NOT; PROVIDED, THIS SECTION SHALL NOT APPLY TO THE DEPOSIT OF MATERIAL UNDER A PERMIT AUTHORIZED BY THE ORDINANCES OF THE CITY; NOR TO GOODS, WARES, OR MERCHANDISE DEPOSITED UPON ANY STREET, SIDEWALK, ALLEY OR OTHER PUBLIC PLACE TEMPORARILY, IN THE NECESSARY COURSE OF TRADE, AND REMOVED THEREFROM WITHIN TWO (2) HOURS AFTER BEING SO DEPOSITED; NOR TO ARTICLES OR THINGS DEPOSITED IN OR CONDUCTED INTO THE CITY SEWERAGE SYSTEM THROUGH LAWFUL DRAINS IN ACCORDANCE WITH THE ORDINANCES OF THE CITY RELATING THERETO, NOR TO ANY PARCEL OF LAND WHERE JUNK YARDS OR STORAGE YARDS ARE PERMITTED BY THIS CODE.

SEC. 22-16. ACTS OF PROSTITUTION OR SOLICITATION.

(A) NO PERSON SHALL:

(1) OFFER TO ENGAGE IN, ENGAGE IN, OR ACCOST, SOLICIT OR INVITE ANOTHER PERSON BY WORDS, GESTURES, OR OTHER MEANS TO COMMIT ANY ACT OF PROSTITUTION OR ENGAGE IN ANY OTHER LEWD OR IMMORAL CONDUCT.

(2) TRANSPORT ANY PERSON TO ANY PLACE, STRUCTURE, HOUSE, BUILDING OR PARKING LOT FOR THE PURPOSE OF ENABLING THE PERSON TRANSPORTED TO ENGAGE IN AN ACT OF PROSTITUTION OR ENGAGE IN ANY OTHER LEWD OR IMMORAL CONDUCT.

(3) KNOWINGLY ATTEND, FREQUENT, OPERATE, OR BE AN OCCUPANT OF ANY PLACE WHERE PROSTITUTION OR OTHER LEWD OR IMMORAL CONDUCT IS PERMITTED OR CONDUCTED.

(4) KNOWINGLY ALLOW ANY PREMISES OWNED, OCCUPIED, OR CONTROLLED BY HIM OR HER TO BE USED OR OCCUPIED BY PERSONS ENGAGED IN (ANY) ACT OF PROSTITUTION OR OTHER LEWD OR IMMORAL CONDUCT.

(5) RECEIVE OR ADMIT OR OFFER TO RECEIVE OR ADMIT ANY PERSON INTO ANY PLACE, STRUCTURE, HOUSE, BUILDING, OR VEHICLE FOR THE PURPOSE OF PROSTITUTION OR OTHER IMMORAL CONDUCT OR KNOWINGLY PERMIT ANY PERSON TO REMAIN IN ANY SUCH PLACE FOR ANY SUCH PURPOSE.

(B) PENALTY, FIRST, SECOND, OR THIRD AND SUBSEQUENT CONVICTIONS.

(1) UPON A FIRST CONVICTION FOR A VIOLATION OF THIS SECTION, THE DEFENDANT SHALL BE SENTENCED TO A TERM OF IMPRISONMENT FOR NOT LESS THAN SEVEN (7) DAYS NOR MORE THAN NINETY (90) DAYS AND SHALL BE FINED NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

(2) UPON A SECOND CONVICTION FOR A VIOLATION OF THIS SECTION THE OFFENSE BEING CHARGED AS A SECOND OFFENSE, THE DEFENDANT SHALL BE SENTENCED TO A TERM OF IMPRISONMENT FOR NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN NINETY (90) DAYS AND SHALL BE FINED NOT LESS THAN THREE HUNDRED FIFTY DOLLARS (\$350.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

(3) UPON A THIRD OR SUBSEQUENT CONVICTION FOR A VIOLATION OF THIS SECTION, THE OFFENSE BEING CHARGED AS A THIRD OR SUBSEQUENT OFFENSE, THE DEFENDANT SHALL BE SENTENCED TO A TERM OF IMPRISONMENT FOR NOT LESS THAN NOR MORE THAN NINETY (90) DAYS AND SHALL BE FINED NOT LESS THAN NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

(C) SUBSECTION 22-16 SHALL NOT APPLY TO A LAW ENFORCEMENT OFFICER WHILE IN THE PERFORMANCE OF HIS OR HER DUTIES AS A LAW ENFORCEMENT OFFICER.

SEC. 22-17. WEAPONS OFFENSES. NO PERSON SHALL:

(A) FIRE OR SHOOT ANY FIREARM, AIR

GUN, SPRING GUN, BOW AND ARROW, SLINGSHOT, CROSSBOW OR OTHER DANGEROUS WEAPON IN ANY STREET OR PUBLIC PLACE OR FIRE OR SHOOT IN ANY PLACE IN A MANNER THAT WOULD ENDANGER OR BE LIKELY TO ENDANGER ANY PERSON OR PROPERTY, PROVIDED THAT THIS SECTION SHALL NOT APPLY TO LAW ENFORCEMENT OR SECURITY PERSONNEL.

(B) CARRY ANY FIREARM, AIR RIFLE, BOW AND ARROW, SLINGSHOT, CROSSBOW, OR OTHER DANGEROUS WEAPON IN ANY PUBLIC PLACE SUBJECT TO THE FOLLOWING EXCEPTIONS:

(1) WHEN THE SAME IS IN A CASE AND IS NOT LOADED.

(2) IN THE CASE OF A BOW OR CROSSBOW, ONLY IF UNSTRUNG OR ENCASED, OR WHILE BEING CARRIED UNDER THE DIRECT SUPERVISION OF AUTHORIZED PUBLIC RECREATIONAL PERSONNEL.

(3) UNLESS OTHERWISE PERMITTED BY STATE LAW.

(C) TRANSPORT OR POSSESS IN OR UPON A MOTOR VEHICLE A FIREARM, UNLESS THE FIREARM IS UNLOADED AND IS ONE (1) OR MORE OF THE FOLLOWING:

(1) TAKEN DOWN.

(2) ENCLOSED IN A CASE.

(3) CARRIED IN THE TRUNK OF THE VEHICLE.

(4) INACCESSIBLE FROM THE INTERIOR OF THE VEHICLE.

(D) CARRY ANY KNIFE HAVING A BLADE OVER THREE (3) INCHES IN LENGTH WHETHER IN A SHEATH OR NOT IN ANY PUBLIC PLACE.

(E) WEAPONS ON COLLEGE CAMPUS AND BUILDINGS. NO PERSON, REGULARLY ENROLLED STUDENT, OR GUEST, SHALL HAVE IN HIS OR HER POSSESSION ON THE SURROUNDING CAMPUS OR IN THE COLLEGE BUILDINGS, EITHER CONCEALED OR NOT CONCEALED, WEAPONS DESCRIBED AS, BUT NOT LIMITED TO, RIFLES, SHOTGUNS, REVOLVERS, KNIVES, FIRE-BOMBS OR EXPLOSIVES OF ANY KIND, OR ANY OTHER DANGEROUS WEAPON.

SEC. 22-18. OFFENSES IN CITY PARKS. NO PERSON SHALL:

(A) WITHOUT THE WRITTEN PERMIT OF THE CITY FORESTER, REMOVE, DESTROY, BREAK, CUT, DEFACE, TRIM, NOR IN ANY WAY INJURE NOR INTERFERE WITH ANY TREE, PLANT OR SHRUB IN ANY HIGHWAY, PARK OR BOULEVARD OF THE CITY. THIS SECTION SHALL NOT APPLY TO THE DEPARTMENT OF PUBLIC SERVICE AFTER HAVING NOTIFIED THE CITY FORESTER.

(B) FASTEN A HORSE OR OTHER ANIMAL TO ANY TREE IN A PUBLIC STREET, HIGHWAY, OR PARK IN THE CITY, NOR CAUSE A HORSE OR OTHER ANIMAL TO STAND SO THAT SUCH HORSE OR ANIMAL CAN INJURE SUCH A TREE; NOR SHALL ANY PERSON ATTACH ANY ROPE, WIRE, CABLE, SIGN, CARD OR POSTER, OR ANY OTHER ARTICLE TO A TREE OR ITS GUARD IN A PUBLIC STREET, HIGHWAY OR PARK WITHOUT A WRITTEN PERMIT FROM THE CITY FORESTER.

(C) ATTACH ANY ELECTRIC WIRE, INSULATION OR OTHER DEVICE FOR HOLDING ELECTRIC WIRE TO ANY TREE NOW OR HERE-AFTER GROWING IN ANY STREET, HIGHWAY OR PARK UNDER THE CONTROL OF THE CITY WITHOUT PERMISSION OF THE DIRECTOR OF PARKS AND RECREATION.

EVERY PERSON MAINTAINING ANY WIRE OR WIRES CHARGED WITH ELECTRICITY SHALL SECURELY FASTEN THE SAME SO THAT SUCH WIRE OR WIRES SHALL NOT COME IN CONTACT WITH ANY TREE IN ANY STREET, HIGHWAY, OR PARK IN THE CITY, AS FAR AS PRACTICABLE.

(D) PLACE ANY BUILDING OR OBSTRUCTION OF ANY KIND IN ANY PARK OR GRASS PLOT IN ANY PUBLIC STREET, AVENUE OR BOULEVARD OF THE CITY, AND NO PERSON SHALL TAKE DOWN, CLIMB OVER, INTERFERE WITH, DISTURB NOR DISPLACE ANY RAILS, POSTS, BOARDS, CHAINS OR FENCES ENCLOSING OR PROTECTING SUCH PARK OR GRASS PLOT.

(E) CLIMB, PEEL, CUT, DEFACE, REMOVE, INJURE, DESTROY ANY TREE, IN SUCH STREET, HIGHWAY, PARK OR GRASS PLOT.

(F) PLUCK, BREAK, TRAMPLE UPON, NOR INTERFERE WITH ANY FLOWER OR SHRUB IN ANY SUCH PARK OR GRASSPLOT; OR SHALL ANY PERSON DIG, REMOVE OR CARRY AWAY ANY GRAVEL, SAND, TURF OR EARTH IN ANY SUCH PARK OR GRASSPLOT, NOR PLACE NOR DEPOSIT ANY DEAD CARCASS, MANURE, FILTH, DIRT, STONE OR OTHER MATTER OR SUBSTANCE ON ANY SUCH PARK OR GRASSPLOT.

(G) BRING ANIMALS, VEHICLES OR BICYCLES THEREON; DEFACE GROUNDS OR VEGETATION.

(I) OPERATE OR PARK ANY AUTOMOBILE OR OTHER VEHICLE IN OR UPON ANY PARK, EXCEPT IN AREAS INTENDED AND DESIGNATED FOR SUCH USE, OR IN ANY MANNER INJURE OR DEFACE ANY SUCH PARK OR GRASS PLOT, TREE, SHRUB OR GARDEN THEREIN.

(2) BRING OR PERMIT ANY ANIMAL OWNED BY HIM OR HER, OR UNDER HIS OR HER CONTROL. TO GO UPON ANY CITY PARK, WHEN PROHIBITED AND SO POSTED BY THE PARKS AND RECREATION DEPARTMENT OF WHEN IT IS BEING USED FOR AN ORGANIZED EVENT PURSUANT TO THE AUTHORIZATION OF THE CITY OF LANSING, UNLESS ADVANCE WRITTEN PERMISSION TO DO SO IS RECEIVED.

ED FROM THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION OF THE CITY OF LANSING, OR HIS OR HER AUTHORIZED AGENT.

(3) BRING OR PERMIT ANY ANIMAL OWNED BY HIM OR HER, OR UNDER HIS OR HER CONTROL, UPON ANY PARK AT ANY TIME, UNLESS THE ANIMAL IS RESTRICTED BY ENCLOSURE IN A CAGE OR OTHER ENCLOSURE OF ADEQUATE STRENGTH, EXCEPT IN THE CASE OF DOGS, WHICH MAY BE BROUGHT UPON ANY PARK, EXCEPT AS PROHIBITED BY SUBSECTION (2) OF THIS SECTION OR ANY OTHER PROVISION OF THIS CODE, PROVIDED THEY ARE RESTRAINED BY A LEASH OF ADEQUATE STRENGTH WHICH IS NO LONGER THAN SIX (6) FEET.

(4) THE PROHIBITIONS OF SUBSECTIONS (2) AND (3) OF THIS SECTION SHALL NOT APPLY TO:

(a) HORSES, DOGS OR OTHER ANIMALS BEING USED BY THE POLICE DEPARTMENT OF THE CITY OR BY ANY OTHER GOVERNMENTAL AGENCY IN THE COURSE OF ITS DUTIES; OR

(b) SEEING EYE DOGS OR OTHER ANIMALS BEING USED BY HANDICAPPED PERSONS FOR THE PURPOSE OF ASSISTANCE IN CONNECTION WITH THEIR HANDICAPS; OR

(c) ANIMAL-DRAWN VEHICLES BEING OPERATED WITH WRITTEN PERMISSION OF THE CITY.

(5) NO PERSON SHALL RIDE A BICYCLE IN RIVERFRONT PARK BETWEEN KALAMAZOO STREET ON THE SOUTH AND GRAND RIVER AVENUE ON THE NORTH WHEN AN ORGANIZED EVENT IS TAKING PLACE THERE WHICH IS SPONSORED OR COSPONSORED BY THE CITY OF LANSING, INCLUDING BUT NOT LIMITED TO, THE ETHNIC FESTIVAL, RIVERFEST, THE NORTH LANSING FUN FEST, THE BLACK CULTURAL FESTIVAL AND THE MEXICAN FESTIVAL.

(6) FOR THE PURPOSE OF THIS SECTION, THE TERM "ANIMAL" SHALL INCLUDE BUT NOT BE LIMITED TO, ALL REPTILES, AMPHIBIANS, INSECTS, FISH, BIRDS AND MAMMALS, BUT SHALL NOT INCLUDE HUMAN BEINGS.

(H) NO PERSON SHALL ENTER OR BE WITHIN ANY PARK OR PORTION THEREOF WHEN IT IS CLOSED EXCEPT CITY OR OTHER PUBLIC OFFICIALS OR EMPLOYEES IN THE COURSE OF THEIR DUTIES UNLESS SAID PERSON HAS THE WRITTEN PERMISSION OF THE DIRECTOR OF PARKS AND RECREATION, OR AN AUTHORIZED REPRESENTATIVE OF THE DIRECTOR OF PARKS AND RECREATION, TO BE WITHIN SAID PARK OR PORTION THEREOF.

(I) NO PERSON IN VIOLATION OF CITY ORDINANCES OR PARK RULES SHALL REFUSE TO LEAVE A PARK OR ANY PORTION THEREOF WHEN REQUESTED TO DO SO BY A

POLICE OFFICER OR ANY CITY EMPLOYEE IN PURSUIT OF HIS OR HER DUTIES.

SEC. 22-19. OFFENSES IN SCHOOLS OR ON SCHOOL GROUNDS. NO PERSON SHALL:

(A) DAMAGE, DESTROY OR DEFACE ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL BUILDING, OR ANY BUILDING OCCUPIED BY ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR THE GROUNDS, OUT-BUILDINGS, FENCES, TREES OR OTHER APPURTANCES OR FIXTURES BELONGING THERETO.

(B) WILFULLY OR MALICIOUSLY MAKE, OR ASSIST IN MAKING, ANY NOISE, DISTURBANCE OR IMPROPER DIVERSION, BY WHICH THE PEACE, QUIETUDE OR GOOD ORDER OF ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL IS DISTURBED.

(C) USE PROFANE, INDECENT OR IMMORAL LANGUAGE OR INDULGE IN INDECENT CONDUCT IN ANY BUILDING OR ON ANY PROPERTY ADJACENT TO ANY BUILDING IN THE CITY OCCUPIED AS A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

(D) DISREGARD AN ORDER FROM A SCHOOL PRINCIPAL, SCHOOL OFFICIAL, TEACHER OR FROM ANY OTHER PERSON DESIGNATED BY THE PRINCIPAL, TO LEAVE IMMEDIATELY WHEN SUCH PERSON IS FOUND TO BE CREATING A DISTURBANCE IN ANY PRIVATE, PUBLIC OR PAROCHIAL SCHOOL OR ON THE SURROUNDING SCHOOL GROUNDS.

(E) WILFULLY ENTER UPON THE LANDS OR PREMISES OF ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL IN THE CITY WITHOUT LAWFUL AUTHORITY, AFTER HAVING BEEN FORBIDDEN TO DO SO BY THE PRINCIPAL, OR HIS DESIGNATED AGENT. NO PERSON BEING UPON SAID LANDS OR PREMISES MAY REFUSE OR NEGLECT TO DEPART THEREFROM UPON BEING REQUESTED TO DO SO BY THE PRINCIPAL OR HIS DESIGNATED AGENT.

(F) ENTER INTO OR REMAIN IN A SCHOOL BUILDING WITHOUT COMPLYING WITH THE DIRECTIONS POSTED AT THE BUILDING ENTRANCE. FAILURE TO COMPLY WITH SAID DIRECTIONS SHALL BE DEEMED A PRIMA FACIE VIOLATION OF THIS SECTION; PROVIDED, HOWEVER, THAT THIS REQUIREMENT SHALL NOT APPLY IN THE CASE OF STUDENTS WHO ARE REGULARLY ENROLLED AND ATTENDING AT SAID SCHOOL, PARENTS OR GUARDIANS OF SUCH STUDENTS, TEACHERS OR OTHER EMPLOYEES.

FOR THE PURPOSE OF THIS SECTION, "STUDENTS WHO ARE REGULARLY ENROLLED AND ATTENDING" SHALL NOT INCLUDE STUDENTS WHO ARE EXPELLED OR SUSPENDED FROM THE PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.

(G) BORROW OR ATTEMPT TO BORROW ANY MONEY OR THING OF VALUE FROM ANY STUDENT IN ANY PUBLIC, PRIVATE OR

PAROCHIAL SCHOOL OR ON ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL PROPERTY IN THE CITY OR DURING ANY TIME WHEN ANY SUCH STUDENT IS GOING TO OR RETURNING FROM ANY REGULARLY SCHEDULED SESSION OF ANY SUCH SCHOOL WITHOUT FIRST OBTAINING THE WRITTEN APPROVAL OF THE PRINCIPAL OF SUCH SCHOOL OR OTHER PERSON DESIGNATED BY THE PRINCIPAL TO ISSUED SUCH WRITTEN APPROVAL.

(H) OPERATE A MOTOR VEHICLE UPON ANY LANSING SCHOOL DISTRICT PROPERTY NOT DESIGNED FOR VEHICULAR TRAFFIC.

(I) OPERATE AN UNLICENSED MOTOR VEHICLE UPON ANY PROPERTY OWNED BY THE LANSING SCHOOL DISTRICT.

SEC. 22-20. MISCELLANEOUS OFFENSES. NO PERSON SHALL:

(A) MAKE AN INDECENT EXPOSURE OF HIS OR HER PERSON IN ANY PUBLIC PLACE.

(B) ENGAGE IN ANY WINDOW PEEPING OF ANY INHABITED PLACE.

(C) SOLICIT OR ACCOST ANY PERSON FOR THE PURPOSE OF THE COMMISSION OF AN ILLEGAL ACT.

(D) TRANSPORT ANY PERSON TO A PLACE WHERE HE OR SHE KNOWS ILLEGAL GAMBLING OR OTHER ILLEGAL ACTIVITIES ARE PRACTICED, ENCOURAGED, OR ALLOWED FOR THE PURPOSE OF ENABLING THE PERSON TRANSPORTED TO ENGAGE IN ILLEGAL GAMBLING OR ANY OTHER ILLEGAL ACTIVITY.

(E) KNOWINGLY ATTEND, FREQUENT, OPERATE OR BE AN OCCUPANT OF ANY PLACE OF ILLEGAL GAMBLING, ILLEGAL SALE OF INTOXICATING LIQUOR, OR WHERE ANY OTHER ILLEGAL BUSINESS OR OCCUPATION IS PERMITTED OR CONDUCTED.

(F) EXCEPT AS ALLOWED BY LAW, KEEP OR MAINTAIN, OR PERMIT THE USE OF, A GAMING ROOM, GAMING TABLE, GAMBLING EQUIPMENT OR ANY POLICY OR POOL TICKETS, TO BE USED FOR GAMING OR GAMBLING ON ANY PREMISES OCCUPIED OR CONTROLLED BY HIM OR HER; OR PLACE, RECEIVE, OR TRANSMIT ANY BET ON THE OUTCOME OF ANY RACE, CONTEST OR GAME OF ANY KIND WHATSOEVER.

(G) BEG IN ANY PUBLIC PLACE, OR GO DOOR-TO-DOOR REQUESTING DONATIONS FOR PERSONAL GAIN.

(H) SWIM OR BATHE IN THE NUDE IN ANY PUBLIC PLACE EXCEPT WHERE THE SAME IS ENCLOSED BY A BUILDING AND OPEN ONLY TO MEMBERS OF THE SAME SEX.

(I) BY MEANS OF OR USE OF THE TELEPHONE TO DISTURB, OR TEND TO DISTURB THE PEACE, QUIET OR PRIVACY OF ANY

OTHER PERSON OR FAMILY BY REPEATED AND CONTINUED TELEPHONE MESSAGES INTENDED TO HARASS OR DISTURB THE PERSON OR FAMILY TO WHOM THE CALL IS DIRECTED; OR BY A SINGLE OR REPEATED CALLS, TO USE OBSCENE, PROFANE, INDECENT, OR OFFENSIVE LANGUAGE, OR SUGGEST ANY LEWD OR LASCIVIOUS ACT OR TO ATTEMPT TO EXTORT MONEY OR OTHER THING OF VALUE FROM ANY PERSON OR FAMILY OR TO THREATEN ANY PHYSICAL VIOLENCE OR HARM TO ANY PERSON OF FAMILY; OR TO REPEATEDLY AND CONTINUOUSLY RING THE TELEPHONE OF ANY PERSON OR FAMILY WITH INTENT TO DISTURB OR HARASS THEM; PROVIDED, HOWEVER, THE USE OF THE TELEPHONE FOR THE PURPOSE OF REQUESTING PAYMENTS OF DEBTS OR OBLIGATIONS IN A LEGAL MANNER OR FOR OTHER LEGITIMATE BUSINESS PURPOSES SHALL NOT CONSTITUTE A VIOLATION HEREOF.

(J) LITTER OR DEPOSIT TRASH OR REFUSE IN ANY STREET, ALLEY, PARK OR OTHER PUBLIC PLACE EXCEPT IN RECEPTABLES INTENDED THEREFORE OR EXCEPT IN OR WITH CITY APPROVED TRASH BAGS OR OTHER CITY APPROVED METHOD FOR CITY REFUSE PICKUP.

(K) THROW OR OTHERWISE PROPEL ANY SNOWBALL OR OTHER PROJECTILE AT OR TOWARD ANY MOTOR VEHICLE OR BUILDING OR TOWARD ANY PERSON WITHOUT THAT PERSON'S CONSENT.

(L) FISH ON THE EAST BANK OF THE GRAND RIVER OR THE FISH LADDER, AT THE NORTH LANSING DAM FROM ANY LOCATION WHICH IS BETWEEN A POINT FIFTY-THREE (53) FEET THREE (3) INCHES NORTH OF THE NORTHWEST CORNER OF THE DAM HOUSE AND A POINT WHICH IS NINETY-THREE (93) FEET SOUTH OF THE NORTHWEST CORNER OF THE DAM HOUSE.

(M) PERMIT ANY TRAIN TO BE RUN UPON ANY RAILWAY IN THE CITY AT STREET CROSSINGS AT A GREATER RATE OF SPEED THAN FORTY (40) MILES PER HOUR.

(N) ATTEND ANY COCK FIGHT OR DOG FIGHT.

SEC. 22-21. OFFENSES BY MINORS—CURFEW.

(A) CURFEW FOR PERSONS 12 YEARS OLD AND YOUNGER. NO PERSON 12 YEARS OLD OR UNDER SHALL BE UPON OR IN ANY PUBLIC STREET, HIGHWAY, ALLEY, OR PARK OR VACANT LOT OR ANY OTHER PUBLIC PLACE BETWEEN THE HOURS OF 10 O'CLOCK P.M. AND 6 O'CLOCK A.M. SUBJECT TO THE EXCEPTIONS OF SUBSECTION (C) OF THIS CHAPTER.

(B) CURFEW FOR PERSONS 13 THROUGH 16 YEARS OLD. NO PERSON 13 THROUGH 16 YEARS OLD SHALL BE UPON OR IN ANY PUBLIC STREET, HIGHWAY, ALLEY, PARK, OR VACANT LOT OR ANY OTHER PUBLIC

PLACE, BETWEEN THE HOURS OF 12 O'CLOCK MIDNIGHT AND 6 O'CLOCK A.M. SUBJECT TO THE EXCEPTIONS OF SUBSECTION (C) OF THIS CHAPTER.

(C) EXCEPTIONS. THE FOLLOWING SHALL CONSTITUTE VALID EXCEPTIONS TO THE OPERATION OF THE CURFEW:

(1) WHERE THE MINOR IS ACCOMPANIED BY A PARENT OR GUARDIAN OR SOME ADULT OVER THE AGE OF 21 YEARS DELEGATED BY THE PARENT OR GUARDIAN TO ACCOMPANY THE MINOR CHILD FOR A DESIGNATED PERIOD OF TIME AND A SPECIFIC PURPOSE WITHIN A SPECIFIED AREA.

(2) WHERE THE MINOR IS ON THE SIDEWALK OF HIS RESIDENCE OR ON THE SIDEWALK OF EITHER NEXT DOOR NEIGHBOR, SO LONG AS THE NEIGHBOR DOES NOT OBJECT TO THE MINOR'S PRESENCE ON HIS/HER SIDEWALK.

(3) WHERE THE MINOR IS RETURNING HOME BY A DIRECT ROUTE FROM AND WITHIN THIRTY (30) MINUTES OF THE TERMINATION OF A SCHOOL ACTIVITY OR AN ACTIVITY OF A RELIGIOUS ORGANIZATION OR OTHER VOLUNTEER ASSOCIATION PROVIDED PRIOR NOTICE OF SAID ACTIVITY, PLACE, AND PROBABLY TIME OF TERMINATION HAS BEEN PROVIDED IN WRITING TO THE CHIEF OF POLICE.

(4) WHERE THE MINOR IS A RESIDENT OF ANOTHER CITY OR A RESIDENT OF THE CITY OF LANSING AND IS IN A MOTOR VEHICLE WITH PARENTAL CONSENT AND IS TRAVELING THROUGH THE CITY OF LANSING OR THE CITY OF LANSING IS THE ORIGIN OR DESTINATION OF INTERSTATE TRAVEL.

(5) WHERE THE MINOR IS ENGAGED IN THE COURSE OF LAWFUL EMPLOYMENT OR FOR A PERIOD OF ONE HALF HOUR BEFORE TO ONE HALF HOUR AFTER WORK, WHILE TRAVELING A DIRECT ROUTE BETWEEN SAID PLACE OF EMPLOYMENT AND HIS/HER RESIDENCE.

(6) WHERE THE MINOR HAS IN HIS/HER POSSESSION A PERMIT ISSUED BY THE CHIEF OF POLICE UPON APPLICATION BY THE PARENT OR LEGAL GUARDIAN OF SAID MINOR. THE APPLICATION FOR PERMIT SHALL BE IN WRITING AND

(a) STATE THE NAME AND AGE OF SUCH MINOR;

(b) POINT OF ORIGIN AND DESTINATION AND APPROXIMATE TIME OF EACH;

(c) DESCRIBE THE HEIGHT, WEIGHT, SEX, COLOR OF EYES AND OTHER DISTINGUISHING PHYSICAL CHARACTERISTICS;

(d) EXPLAIN THE NECESSITY WHICH REQUIRES SUCH MINOR TO REMAIN UPON OR IN THE PUBLIC STREETS, HIGHWAYS, ALLEYS, PARKS OR VACANT LOTS OR OTHER

UNSUPERVISED PUBLIC AREAS AFTER THE APPLICABLE CURFEW. SUCH PERMIT SHALL ONLY BE VALID FOR ONE 24 HOUR PERIOD.

SEC. 22-22. OFFENSES BY MINORS—SMOKING IN PUBLIC PLACE.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON UNDER 18 YEARS OF AGE WHO SMOKES OR USES CIGARETTES IN ANY FORM TO DO SO ON A PUBLIC HIGHWAY, STREET, ALLEY, PARK OR OTHER LANDS USED FOR PUBLIC PURPOSES OR IN A PUBLIC PLACE OF BUSINESS OR AMUSEMENT, SUCH PERSON MAY BE ARRESTED BY AN OFFICER OF THE LAW WHO OBSERVES THE OFFENSE.

(B) CIGARETTES—FURNISHING TO MINOR. IT SHALL BE UNLAWFUL FOR ANY PERSON TO SELL, GIVE OR IN ANY WAY FURNISH CIGARETTES IN ANY FORM TO A PERSON UNDER 18 YEARS OF AGE.

SEC. 22-23. OFFENSES BY MINORS—INTERFERING WITH TRAFFIC.

(A) IT SHALL BE UNLAWFUL FOR ANY MINORS TO ENGAGE IN PLAYING ANY GAME OR TO CONGREGATE ON ANY STREET OR ALLEY SO AS TO INTERFERE WITH THE REGULAR FLOW OF VEHICULAR TRAFFIC.

SEC. 22-24. OFFENSES BY MINORS—PARENTAL RESPONSIBILITY.

(A) IT SHALL BE UNLAWFUL FOR THE PARENT OF ANY MINOR TO FAIL TO EXERCISE REASONABLE PARENTAL CONTROL WHICH RESULTS IN THE MINOR COMMITTING ANY CRIMINAL ACT OR TO ALLOW OR ENCOURAGE ANY MINOR TO COMMIT ANY CRIMINAL ACT.

(B) NO PARENT OF A MINOR SHALL ENCOURAGE OR ALLOW SAID MINOR TO BE IN ANY STREET, HIGHWAY, ALLEY, PARK, VACANT LOT OR ANY OTHER PUBLIC PLACE IN VIOLATION OF THE CITY CURFEW ORDINANCE. PROOF THAT A MINOR WAS UPON OR IN ANY PUBLIC STREET, HIGHWAY, ALLEY, PARK, VACANT LOT OR ANY OTHER UNSUPERVISED PUBLIC PLACE IN VIOLATION OF THE CITY CURFEW ORDINANCE SHALL BE PRIMA FACIE EVIDENCE THAT THE MINOR'S PARENT ALLOWED OR ENCOURAGED THE MINOR TO VIOLATE THE CITY CURFEW ORDINANCE.

(C) PENALTY. A FIRST VIOLATION OF SECTION 22-24 (B) OR 22-25 OF THIS CODE OF ORDINANCES SHALL RESULT IN A CIVIL FINE OF NOT LESS THAN \$25.00 NOR MORE THAN \$100.00.

(1) DETERMINATION THAT A PERSON IS RESPONSIBLE FOR A FIRST OFFENSE UNDER THE PROVISIONS OF THIS ORDINANCE SHALL BE A PREPONDERANCE OF THE EVIDENCE.

(2) A PERSON CHARGED WITH A FIRST OFFENSE UNDER THE PROVISIONS OF THIS ORDINANCE SHALL BE ENTITLED TO A

HEARING BEFORE A DISTRICT COURT JUDGE AND SHALL HAVE NO RIGHT TO A JURY TRIAL.

(D) THE PARENT OF A HABITUAL OFFENDER SHALL BE GUILTY OF A MISDEMEANOR.

SEC. 22-25. AIDING AND ABETTING OFFENSES BY MINORS.

NO PERSON SHALL KNOWINGLY AID OR ABET ANY MINOR TO COMMIT ANY OFFENSE PROHIBITED BY THIS CHAPTER.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Articles I, II, IIA and IV of Chapter 16 for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Articles I, II, IIA and IV of Chapter 16 for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be now passed.

Adopted by the following vote: Unanimously.

ORDINANCE NO. 740

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF ARTICLES I, II, IIA AND IV OF CHAPTER 16 OF THE CODE OF ORDINANCES OF LANSING, MICHIGAN, FOR THE PURPOSE OF UPDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1. That Articles I, II, IIA and IV of Chapter 16 of the Code of Ordinances of Lansing, Michigan, is hereby repealed and declared null and void and of no effect.

Section 2. This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 21 containing Sections numbered 21-1 through 21-24, inclusive for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 21 containing Sections numbered 21-1 through 21-24, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be now passed.

Adopted by the following vote: Unanimously.

ORDINANCE NO. 741

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 21 CONTAINING SECTIONS NUMBERED 21-1 THROUGH 21-24, INCLUSIVE, FOR THE PURPOSE OF UPDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1: That Chapter 21 of the Code of Ordinances of Lansing, Michigan, containing Sections numbered 21-1 through 21-24, inclusive, is hereby repealed and declared null and void and of no effect.

Section 2: This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections numbered 22-1 through 22-85, inclusive, of Chapter 22 for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections numbered 22-1 through 22-85, inclusive, of Chapter 22 for the purpose of updating and revising ordinance provisions pertaining to Offenses be now passed.

Adopted by the following vote: Unanimously.

ORDINANCE NO. 742

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 22 CONTAINING SECTIONS NUMBERED 22-1 THROUGH 22-85, INCLUSIVE, FOR THE PURPOSE OF UPDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1: That Chapter 22 of the Code of Ordinances of Lansing, Michigan, containing Sections 22-1 through 22-85, inclusive, is hereby repealed and declared null and void and of no effect.

Section 2: This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 23 containing Sections numbered 23-1 through 23-32, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 23 containing Sections numbered 23-1 through 23-32, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be now passed.

Adopted by the following vote: Unanimously.

ORDINANCE NO. 743

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 23 CONTAINING SECTIONS NUMBERED 23-1 THROUGH 23-32, INCLUSIVE, FOR THE PURPOSE OF UPDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1: That Chapter 23 of the Code of Ordinances of Lansing, Michigan containing Sections numbered 23-1 through 23-32, inclusive, is hereby repealed and declared null and void and of no effect.

Section 2: This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 26A containing Sections numbered 26A-1 through 26A-16, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Chapter 26A containing Sections numbered 26A-1 through 26A-16, inclusive, for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be now passed.

Adopted by the following vote: Unanimously.

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 26A CONTAINING SECTIONS NUMBERED 26A-1 THROUGH 26A-16, INCLUSIVE, FOR THE PURPOSE OF UPDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1: That Chapter 26A of the Code of Ordinances of Lansing, Michigan, containing Sections numbered 26A-1 through 26A-16, inclusive, is hereby repealed and declared null and void and of no effect.

Section 2: This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Sections 4-6 and 4-10 of Chapter 4 for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the repeal of Section 4-6 and 4-10 of Chapter 4 for the purpose of updating and revising ordinance provisions pertaining to Offenses.

Be now passed.

Adopted by the following vote: Unanimously.

ORDINANCE NO. 745

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF SECTIONS 4-6 AND 4-10 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF LANSING, MICHIGAN, FOR THE PURPOSE OF UPDATING AND REVISING ORDINANCE PROVISIONS PERTAINING TO OFFENSES.

The City of Lansing ordains:

Section 1: That Sections 4-6 and 4-10 of Chapter 4 of the Code of Ordinances of Lansing, Michigan are hereby repealed and declared null and void and of no effect.

Section 2: This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

This ordinance being necessary for the immediate preservation for the public peace, health or safety shall take effect upon its passage.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the rules of the Council be waived for the purpose of presenting the attached ordinance providing that the Code of Ordinances, City of Lansing, Michigan be amended by revising Section 17-25 of Chapter 17 for the purpose of revising license and bond requirements for Health, Massage, Bath or similar establishments and recommend that the ordinance be passed.

Adopted by the following vote: Unanimously.

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Section 17-25 of Chapter 17 for the purpose of revising license and bond requirements for Health, Massage, Bath or similar establishments.

Be placed on order of immediate passage.

By COUNCILMEMBER WORTHINGTON—

That this be considered as being read in its entirety.

Carried:

By COUNCILMEMBER WORTHINGTON—

Resolved by the City Council of the City of Lansing:

That the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by revising Section 17-25 of Chapter 17 for the purpose of revising license and bond requirements for Health, Massage, Bath or similar establishments.

Be now passed.

Adopted by the following vote:

Yeas—Councilmembers Adado, Benavides, Creamer, Lindemann, Schmidt and Worthington—(6).

Nays—None.

Absent—Councilmembers Belen and Blair—(2).

ORDINANCE NO. 746

AN ORDINANCE TO AMEND CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REVISING SECTION NUMBER 17-25 FOR THE PURPOSE OF REVISING LICENSE AND BOND REQUIREMENTS FOR HEALTH, MASSAGE, BATH OR SIMILAR ESTABLISHMENTS.

The City of Lansing ordains:

Section 1: That Chapter 17 of the Code of Ordinances of the City of Lansing, Michigan be amended by revising Section 17-25 to read as follows:

Sec. 17-25. Insurance and bond required.

Prior to issuance by the city clerk of any license

under this article, each person applying for a license shall file with the city clerk a public liability and property damage insurance policy insuring such persons against any liability imposed on such person arising out of the operation of such establishment in the city by such persons. Such policy shall provide for payment up to ONE hundred thousand dollars (\$100,000) in the event of injury or death of any one (1) person, and for payment up to THREE hundred thousand dollars (\$300,000) in the event of injury or death of more than one (1) person, and for payment up to one hundred thousand dollars (\$100,000) for property damage. Such policy shall bear an endorsement to the effect that the insurance company shall notify the city clerk at least ten (10) days prior to the expiration of such policy, whether by way of cancellation or limitation of term.

Prior to issuance by the city clerk of any license under this article, each person applying for a license shall file with the city clerk, a bond in the penal sum of one thousand dollars (\$1,000.00) indemnifying the City of Lansing against any and all violations of any ordinance, rule, or regulation of the City of Lansing to indemnify the City of Lansing for any and all damage to public property of any kind or nature, and conditioned that said licensee will pay to the City of Lansing all fines or penalties which may be assessed against such licensee for breach of any ordinance relating to the business carried on by such person, and conditioned further that said licensee will fulfill any obligation to a resident of the State of Michigan, which obligation is incurred as a result of the operation of such establishment by the licensee within the City of Lansing.

It shall be unlawful for any person required to have a license under this article, to maintain, operate, or cause to be operated, any establishment regulated by this article within the city unless a policy of insurance and bond, as required by this section are in force at the time of said operation.

Section 2: All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3: This ordinance shall take effect thirty (30) days from date of passage unless given immediate effect by the City Council.

By COUNCILMEMBER ADADO—

Resolved by the City Council of the City of Lansing:

That Councilmembers Blair and Belen be excused from the session.

Carried:

REMARKS BY THE MAYOR

Mayor McKane announced that Mr. Warren Barberg would be in Lansing Tuesday, December 23, 1986 if anyone wanted questions answered regarding Embassy Suites.

Announced that Equity Funds were approved from the State.

Gave the schedule for trash pickup for the holiday season.

REMARKS BY THE COUNCILMEMBERS

Councilmember Creamer asked if there was time to notify the stores downtown regarding the free parking due to holiday schedule. Also urged residents to return the Food Bank Envelope which was enclosed in the State Journal on Sunday.

Councilmember Schmidt remarked about the beautiful Christmas lights displayed in the 3600 block of Glenwood and Vernon.

Councilmember Adado asked about the horse patrol downtown and the nine civilians work in Police Department to free nine police officers for duty.

REMARKS BY THE AUDIENCE

Gerald Graves, 1623 South Genesee Drive, spoke regarding fertilizer spreaders of the Parks Department

and remarked on the TIFA District and the Embassy Suites Hotel.

David and Claire Kirchoff, 1533 Roosevelt, spoke of trash along the Grand River near their neighborhood.

David Welch, 1133 Hammond Street, spoke regarding the Peddlers section of the Ordinance referred to Committee.

By COUNCILMEMBER BENAVIDES—

That this meeting stand adjourned.

Carried:

Council adjourned at 10:00 P.M.

RITA M. BAUMAN
City Clerk

December 22, 1986
Lansing, Michigan